

THE
EXCISE MANUAL
Central India Administered
Areas
AND
Railway Lands
VOLUME II
Laws and Rules Relating
TO
Opium and Dangerous Drugs.



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VOLUME II

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The Opium Act and Rules

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CHAPTER I.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE OPIUM ACT, 1878 (ACT I OF 1878).

As modified up to the 1st April, 1931.

STATEMENT OF REPEALS AND AMENDMENTS.

SECTION 2 REPEALED Act 12 of 1891, Sch I, and Act 1 of 1894, Sch , Part III.
SECTIONS 3, 4, 5 9, 11, 14 AMENDED	. Act 2 of 1930, s 40 and Sch II.
SECTION 5 AMENDED Act 38 of 1920, s 2 and Sch I
SECTION 6 OMITTED .	. Act 2 of 1930, s 40 and Sch II
SECTION 8 AMENDED . .	Act 38 of 1920, s 2 and Sch I
SECTION 13 AMENDED ..	. Act 38 of 1920, s 2 and Sch I
SECTION 22 OMITTED .	Act 2 of 1930, s 40 and Sch II
SECTION 24 AMENDED .	Act 12 of 1891, Sch II

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[9th January 1878.]

AN ACT TO AMEND THE LAW RELATING TO OPIUM

[As modified up to the 1st April, 1931.]

WHEREAS it is expedient to amend the law relating to opium, Preamble
It is hereby enacted as follows —

1 This Act may be called the Opium Act, 1878

Short title

It shall extend to such local areas² as the Governor General Local extent
in Council may, by notification in the Gazette of India, from time
to time direct;

¹ For the Statement of Objects and Reasons see Gazette of India, 1877, Pt V, p 645, for Proceedings in Council see *ibid*, Supplement, pp 3015 and 3030, *ibid*, 1878, pp 53 and 59

The Act has been declared in force in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation 1872 (3 of 1872), s 3, as amended by the Sonthal Parganas Justice and Laws Regulation, 1899 (3 of 1899), B & O Code, in British Baluchistan by the Baluchistan Laws Regulation, 1913 (2 of 1913) s 3, Bal Code, and in the Angul District, by the Angul Laws Regulation 1913 (3 of 1913) s 3 B & O Code

It has been declared in force in Upper Burma generally (except the Shan States), by the Burma Laws Act, 1898 (13 of 1898), s 4 (1), Sch I, Bur Code

It has been declared in force in the Arakan Hill District by s 2 of Reg I of 1916, Bur Code

The Act is supplemented in Burma by the Burma Opium Law Amendment Act, 1909 (Bur Act 7 of 1909), Bur Code

² It has been extended by notification in the Gazette of India to the following local areas from the date specified against each —

- (1) Ajmer Merwara from 2nd August 1879, see Gazette of India, 1879, Pt I, p 466, see also Aj R and O,
- (2) Assam, from 1st April, 1879, see *ibid* p 259
- (3) Bengal (which then included the present Province of Bihar and Orissa), from 21st August 1878, see Gazette of India 1878, Pt I, p 526,
- (4) Bombay Presidency, from 1st April 1878, see *ibid*, p 231,
- (5) Central Provinces, from 28th June 1879, see *ibid*, 1879, Pt I, p 441,
- (6) Coorg, from 1st April 1882, see *ibid*, 1882, Pt I, p 135,
- (7) Lower Burma, from 29th March, 1879, see *ibid*, 1879, Pt I, p 75,
- (8) Madras Presidency, from 1st July, 1880, see *ibid*, 1880, Pt. I, p 293,
- (9) the Punjab, from 1st April, 1880, see *ibid*, 1880, Pt I, p 16, and
- (10) United Provinces of Agra and Oudh from 2nd February, 1878, see *ibid*, 1878, Pt I, p 68

The Act has been extended under s 10 (1) of the Burma Laws Act, 1898 (13 of 1898), to the Myelat, see Burma Gazette 1927, Pt I, p 242, and the whole Act, with the exception of ss 6—8 and 22—25, has been extended to the Taunggyi Civil Station in the Southern Shan States and the Lashio Civil Station in the Northern Shan States, respectively, with certain modifications, see Bur Gazette, 1900, Pt I, pp 478 and 799, respectively

Opium.

Commencement.

And it shall come into force in each of such areas on such day as the Governor General in Council in like manner directs in this behalf.

2. [*Repeal and amendment of enactments.*] *Rep. by the Repealing and Amending Act, 1891 (XII of 1891), and the Repealing and Amending Act, 1894 (IV of 1894).*

Interpretation
clause.

3. In this Act, unless there be something repugnant in the subject or context,—

¹‘ opium ’ means—

- (i) the capsules of the poppy (*Papaver Somniferum* L.);
- (ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport; and
- (iii) any mixture, with or without neutral materials, of any of the above forms of opium,

but does not include any preparation containing not more than 0·2 per cent. of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930 ;]

2 of 1930.

“ Magistrate ” means, in the Presidency towns, a Presidency Magistrate, and elsewhere, a Magistrate of the first class or (when specially empowered² by the Local Government to try cases under this Act) a Magistrate of the second class ;

³‘ import ’ means to import inter-provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930 ;

2 of 1930.

‘ export ’ means to export inter-provincially, as defined in clause (l) of section 2 of the Dangerous Drugs Act, 1930 ; and]

“ transport ” means to remove from one place to another within the territories administered by the same Local Government.

4. Except as permitted by this Act, or by any other enactment relating to opium for the time being in force, or by rules

¹This definition was substituted by s. 40 and Sch. II of the Dangerous Drugs Act, 1930 (2 of 1930).

²For notification empowering Magistrates of the 2nd class in Madras to try cases under the Act, see Madras Local Rules and Orders, edition 1923.

³These definitions were substituted by s. 40 and Sch. II of the Dangerous Drugs Act, 1930 (2 of 1930).

framed under this Act or under any such enactment no one shall—

Prohibition of
opium cultivation
and possession
etc., of opium

1* * * * *

²[(a)] possess opium,

²[(b)] transport opium,

²[(c)] import or export opium, or

²[(d)] sell opium

5 The Local Government ³[subject to the control] of the Governor General in Council may from time to time by notification in the local Gazette make rules⁴ consistent with this Act to permit absolutely, or subject to the payment of duty or to any other conditions and to regulate within the whole or any specified part of the territories administered by such Government, all or any of the following matters —

5* * * * *

⁶[(a)] the possession of opium,

⁶[(b)] the transport of opium,

⁶[(c)] the importation or exportation of opium, and

⁶[(d)] the sale of opium and the farm of duties leviable on the sale of opium by retail

Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law⁷ relating to sea customs for the time being in force or under [the Dangerous Drugs Act, 1930]⁸

Provided further that nothing in section 4 or section 5 shall be deemed to prohibit the import export or transport of opium which is—

(a) declared as such to the Railway Authorities and carried in their custody and not in that of a passenger, or

¹Original clauses (a) and (b) were omitted by s 40 and Sch II of the Dangerous Drugs Act 1930 (2 of 1930)

²Original clauses (c) (d) (e) (f) were re lettered, *ibid*

³These words were substituted for the words with the previous sanction by s 2 and Sch I of the Devolution Act 1920 (38 of 1920)

⁴For rules made under this section see different local Rules and Orders

⁵Original clauses (a) and (b) were omitted by s 40 and Sch II of the Dangerous Drugs Act 1930 (2 of 1930)

⁶Original clauses (c) (d) (e) (f) were re lettered, *ibid*

(b) in transit to a place in Central India, Gwalior or Rajputana or to the Hyderabad State; or

(c) (1) accompanied by a pass granted by—

(i) a Political Officer in Central India, Gwalior or Rajputana.

(ii) any other officer specially empowered by the Local Government in this behalf,

(iii) an officer empowered under the law of the State or other area of destination to issue such passes authorising conveyance by the most direct route and within a period specified therein from a place specified therein to a place similarly specified and within the State or area for the import into which of opium the officer granting it is empowered to grant passes, and

(2) carried in securely sealed packages from and to the place by the route and within the period specified in the pass;

provided further that no license shall be granted for the sale of opium in any lands surrounded in whole or in part by State territory.

6. [*Duty on opium imported by land.*] *Rep. by the Dangerous Drugs Act, 1930 (2 of 1930).*]

7. The Governor General in Council may, by order notified in the Gazette of India,—

(a) authorize any Local Government to establish¹ warehouses, for opium legally imported into, or intended to be exported from, the territories administered by such Local Government, and

(b) cancel any such order.

‘provided that no warehouse shall be established or licensed in any lands surrounded in whole or in part by State territory.’

So long as such order remains in force, the Local Government may, by notification published in the Official Gazette—

(c) declare any place to be a warehouse for all or any opium legally imported, whether before or after the payment of any duty leviable thereon, into the territories administered by such Government, or into any specified part thereof, intended to be exported thence, and

(d) cancel any such declaration.

¹For notification authorizing the Government of Bombay to establish a warehouse under this section, see Bom. Local R. and O.

An order under clause (b) shall cancel all previous declarations under clause (c) of this section relating to places in the territories to which such order refers

So long as such declaration remains in force, the owner of all such opium shall be bound to deposit it in such warehouse

8 The Local Government, ¹[subject to the control] of the Governor General in Council, may, from time to time, by notification in the local Gazette, make rules² consistent with this Act to regulate the safe custody of opium warehoused under section 7, the levy of fees for such warehousing, the removal of such opium for sale or exportation, and the manner in which it shall be disposed of, if any duty or fees leviable on it be not paid within twelve months from the date of warehousing the same

Power to make rules relating to warehouses

³9 Any person who, in contravention of this Act, or of rules made and notified under section 5 or section 8,—

Penalty for illegal cultivation of poppy etc

* * * * *

⁴[(a)] possesses opium, or

⁵[(b)] transports opium, or

⁶[(c)] imports or exports opium, or

⁷[(d)] sells opium, or

⁸[(e)] omits to warehouse opium, or removes or does any act in respect of warehoused opium,

and any person who otherwise contravenes any such rule, shall, on conviction before a Magistrate be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both,

and, where a fine is imposed the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced

10 In prosecutions under section 9, it shall be presumed until the contrary is proved, that all opium for which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under this Act

Presumption in prosecution under section 9

¹These words were substituted for the words "with the previous sanction" by s 2 and Sch I of the Devolution Act 1920 (38 of 1920)

²For rules issued under this section in Bombay, see Bombay Opium Manual, in Punjab see Punjab Gazette, 1911, Pt I, p. 496

³For the amendment of s 9 in its application to the Punjab see Punjab Act 3 of 1925

⁴Original clauses (a) and (b) were omitted by S 40 and Sch 2 of the Dangerous Drugs Act, 1930 (2 of 1930)

⁵Original clauses (c) (d), (e) (f) (g) were re lettered by s 40 and Sch II of the Dangerous Drugs Act, 1930 (2 of 1930)

11. In any case in which an offence under section 9 has been committed,—

1* * * * *

²[(a)] the opium in respect of which any offence under the same section has been committed,

²[(b)] where, in the case of an offence under clause ³ [(b) or (c)] of the same section, the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, importing or exporting,

²[(c)] where, in the case of an offence under clause ⁴ [(d)] of the same section, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

The vessels, packages and coverings in which any opium liable to confiscation under this section is found, and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals, and conveyances used in carrying it, shall likewise be liable to confiscation.

12. When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted; but the Magistrate decides that the opium is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Act, the officer ordering it may give the owner of the thing liable to be confiscated an option to pay ; in lieu of confiscation, such fine as the officer thinks fit.

When an offence against this Act has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector of the district or Deputy Commissioner, or by any other officer authorized by the Local Government in this behalf, either personally or in right of his office, who may order such confiscation : Provided that no such order shall be made until the

¹Original clause (a) was omitted, *ibid*.

²Original clauses (b), (c), (d) were re-lettered, *ibi*

³This was substituted for “ (d) or (e) ”, *ibid*.

⁴This was substituted for “ (f) ”, *ibid*.

expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons (if any) claiming any right thereto, and the evidence (if any) which they produce in support of their claims

13 The Local Government may, ^{1*} * * * * * ²Power to enter and make rules regarding disposal of things confiscated, and rewards from time to time, by notification in the local Gazette, make rules consistent with this Act to regulate—

(a) the disposal of all things confiscated under this Act, and

(b) the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act

14 Any officer of any of the departments of Excise Police Customs, Salt, Opium, or Revenue superior in rank to a peon or constable, who may in right of his office be authorized by the ³Local Government in this behalf, and who has reason to believe from personal knowledge or from information given by any person and taken down in writing that opium liable to confiscation under this Act is ⁴* kept or concealed in any building vessel or enclosed place, may, between sunrise and sunset,—

(a) enter into any such building, vessel, or place,

(b) in case of resistance, break open any door and remove any other obstacle to such entry,

(c) seize such opium ⁵* * * * * and any other thing which he has reason to believe to be liable to confiscation under section 11 or any other law for the time being in force relating to opium and

(d) detain and search and if he think proper, arrest, any person whom he has reason to believe to be guilty of any offence relating to such opium under this or any other law for the time being in force

15 Any officer of any of the said departments may—

(a) seize, in any open place or in transit, any opium or other thing which he has reason to believe to be liable to con ⁶Power to seize opium in open places

¹The words 'with the previous sanction of the Governor General in Council' were omitted by s 2 and Sch I of the Devolution Act 1920 (38 of 1920)

²See List of rules noted under s 5, *supra* which were made also under the powers conferred by this section

³For notification conferring powers on officials of the class referred to, see different local Rules and Orders

⁴The word 'manufactured' was omitted by s 40 and Sch II of the Dangerous Drugs Act 1930 (2 of 1930)

⁵The words 'and all materials used in the manufacture thereof' were omitted, *ibid*

confiscation under section 11 or any other law for the time being in force relating to opium ;

Power to detain search and arrest.

(b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has opium in his possession, arrest him and any other persons in his company.

Searches how made.

16. All searches under section 14 or section 15 shall be made in accordance with the provisions of the ¹Code of Criminal Procedure.

Officers to assist each other.

17. The officers of the several departments mentioned in section 14 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.

Vexatious entries, searches seizures and arrests.

18. Any officer of any of the said departments who, without reasonable ground of suspicion, enters or searches, or causes to be entered or searched, any building, vessel or place, or

vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under this Act.

or vexatiously and unnecessarily detains, searches or arrests any persons,

shall, for every such offence, be punished with fine not exceeding five hundred rupees.

Issue of warrants.

19. The Collector of the district, Deputy Commissioner or other² officer authorized by the Local Government in this behalf either personally or in right of his office, or a Magistrate, may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to opium, or for the search, whether by day or night, of any building or vessel or place in which he has reason to believe opium liable to confiscation to be kept or concealed.

All warrants issued under this section shall be executed in accordance with the provisions of the ³Code of Criminal Procedure.

Disposal of person arrested or thing seized.

⁴20. Every person arrested, and thing seized, under section 14 or section 15, shall be forwarded without delay to the officer in charge of the nearest police-station ; and every person arrested and thing seized under section 19 shall be forwarded without delay to the officer by whom the warrant was issued.

¹See now the Code of Criminal Procedure, 1898 (Act 5 of 1898).

²See foot-note 3 to s. 14, *supra*.

³See now the Code of Criminal Procedure, 1898 (Act 5 of 1898).

⁴For substituted sections 20, 20A, 20B, 20C, as in force in the Bombay Presidency, see Bom. Act 2 of 1932, s. 3, and Bom. Act 14 of 1930, ; for substituted sections in force in the Central Provinces, see C. P. Act, I of 1929.

Every officer to whom any person or thing is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or thing

21 Whenever any officer makes any arrest or seizure under this Act, he shall within forty eight hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior Report of
arrests and
seizures

22 [Procedure in case of illegal poppy cultivation] Rep by the Dangerous Drugs Act 1930 (2 of 1930)

23 Any arrear of any fee or duty imposed under this Act or any rule made hereunder, Recovery of
arrears of
fees duties,
etc
and any arrear due from any farmer of opium revenue

may be recovered from the person primarily liable to pay the same to the Government or from his surety (if any) as if it were an arrear of land revenue

24 When any amount is due to a farmer of opium revenue from his licensee in respect of a license, such farmer may make an application to the Collector of the district Deputy Commissioner or other¹ officer authorized by the Local Government in this behalf, praying such officer to recover such amount on behalf of the applicant, and on receiving such application, such Collector, Deputy Commissioner or other officer may in his discretion recover such amount as if it were an arrear of land revenue, and shall pay any amount so recovered to the applicant Farmer may
apply to
Collector or
other officer
to recover
amount due
to him by
licensee

Provided that the execution of any process issued by such Collector, [Deputy Commissioner] or other officer for the recovery of such amount shall be stayed if the licensee institutes a suit in the Civil Court to try the demand of the farmer, and furnishes security to the satisfaction of such officer for the payment of the amount which such Court may adjudge to be due from him to such farmer

Provided also that nothing contained in this section or done thereunder shall affect the right of any farmer of opium revenue to recover by suit in the Civil Court or otherwise any amount due to him from such licensee

25 When any person, in compliance with any rule made hereunder, gives a bond for the performance of any duty or act, such duty or act shall be deemed to be a public duty, or an act in which the public are interested, as the case may be, within the meaning of the Indian Contract Act, 1872, section 74, and, upon breach Recovery of
penalties due
under bond

¹See foot note 3 to s 14, *supra*

²The words "Deputy Commissioner" were substituted for the words "Deputy Collector" by the Repealing and Amending Act, 1891 (12 of 1891), Sch II

of the condition of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him as if it were an arrear of land-revenue.

26. (1) The Central India (Administered Areas) Excise Law, 1917, in so far as it relates to opium, is hereby repealed.

(2) The Central India, Gwalior and Rajputana, Excise Law, 1922, in so far as it relates to opium, is hereby repealed.

SCHEDULE.

[ENACTMENTS REPEALED].

Repealed by Act XII of 1891.

CHAPTER II.

GENERAL PRINCIPLES OF ADMINISTRATION, SOURCES OF REVENUE,
SUPPLY OF OPIUM AND POWERS OF OFFICERS

27 (1) Central India Excise Manual, Volume I, paragraphs 71 and 72 may be consulted General Principles

(2) The Excise Department for Central India Administered Areas and Railway Lands administers the laws and rules relating to the opium trade in the Central India Administered Areas. The orders of the Agent to the Governor General in Central India, vested in the Excise Commissioner Administration

28 The law administered is the Opium Act (Act I of 1878) as amended by the Dangerous Drugs Act (Act II of 1930)

29 The revenue from opium is raised by two methods Sources of revenue

(1) By direct taxation by means of fixed duties imposed on opium. The difference between the cost of the opium to Government and the supply price at which it is issued from the warehouses to retailers operates as a fixed duty

(2) By indirect taxation by means of license fees for the right of vend at a specified shop. License fees are generally determined by auction

30 All opium required for sale in the Administered Areas shall be supplied by the Excise Commissioner on indents received from the Local Excise Authorities either from the Government Warehouse in the Indore Residency Area or from the Government Opium Factory at Neemuch. The requirements of States in Central India and Rajputana that consume patharphor opium (goti) will also be met on permits countersigned by the local political officer from the Indore Warehouse in accordance with the rules framed for this purpose and detailed in Chapter IV of this Manual Supply of opium

CUSTODY OF OPIUM

(a) Administered Areas

31 Immediately on receipt of the opium the local Excise officer will have the box or boxes opened in his presence and verify the weight of the consignment. He will endorse the result on the reverse of the permit (quadruplicate copy), which will then be returned to the Indore Warehouse. At the same time the Local Excise Authority will enter the particulars in the triplicate copy of the permit in his office and take the opium on to his stock in accordance with the Warehouse rules. The opium shall then be issued to retail vendors in quantities of not less than 1 seer at a time on payment of the issue price which is given in paragraph 36 (25) of the Manual

(b) *States.*

32. All consignments of opium from the Indore Warehouse will be addressed to the Dewan or Chief Excise Officer of the indenting State. The opium will be accompanied by a permit which after verification by the authority empowered by the State for this purpose shall be returned to the Warehouse. The permit will either be issued after receiving the countersignature of the Political Agent, by the State, or by the Excise Commissioner in which case a copy shall be sent to the Political Agent and to the State concerned for information. All opium thus received shall at once be taken into State custody and warehoused as may be ordered by the State pending its issue to retail vendors on payment of the sanctioned issue price.

POWERS OF OFFICERS UNDER THE OPIUM ACT.

Section 12.

Powers.

Notifn.
No. 3212-C.,
d. 19-6-33.

33. (i) All Local Excise Authorities are authorised to make enquiries, give decisions and pass orders under Section 12 in the case of articles seized in their respective areas.

Section 14.

Notifn.
No. 3214-C.,
d. 19-6-33.

(ii) All officers of the Excise Department of and above the rank of Excise Sub-Inspectors and all Police Officers of and above the rank of Head Constables are authorised to exercise all or any of of the Powers conveyed by Section 14.

Section 19.

Notifn.
No. 3215-C.,
d. 19-6-33.

(iii) The Local Excise Authorities in charge of the Cantonments of Mhow, Neemuch and Nowgong and the Excise Inspector for Central India are authorised to issue warrants for arrest and search as provided for in Section 19.

CHAPTER III

GOVERNMENT NOTIFICATIONS AND RULES UNDER THE OPIUM ACT

Section 1

Rules made applicable to the Administered Areas in Central India

34 The Amended Opium Act, has been extended to the Administered Areas in Central India by Foreign and Political Department Notification No 414-J, dated the 1st August 1932. All references in the notifications and rules to the Agent to the Governor General in Central India shall be read as referring to the Local Government in the Act.

Section 7

- Notifn No 3209 C, d 19 6 33
- 35 The Agent to the Governor General in Central India is pleased —
- is Establishment of opium warehouses in the Administered Areas
- (a) to establish within the limits of the Indore Civil Area a Warehouse for the storage of opium
 - (b) to establish within the limits of the Cantonments of Mhow, Neemuch and Nowgong Bonded Warehouses for the storage of opium, and
 - (c) to direct that, subject to such conditions as may be prescribed by rules made under Section 5 of the said Act, the levy of the duty payable on opium in transit to or stored in any of the said warehouses shall be postponed until the removal of the opium from the warehouse

Section II

Definitions and Rules regulating the import export or transport possession and sale, etc, of opium

Section 5

A —Definitions

- Notifn No 3208 C, d 19 6 33
- 36 (1) (a) These rules may be cited as the Central India Administered Areas Opium Rules, 1933
- (b) In these rules, unless there is something repugnant in the subject or context
- (1) "approved practitioner" means —
- (i) any person registered as a medical practitioner either under the Medical Act, 1858, or the Dentists' Act, 1878, and any Act of Parliament amending the same, or

Approved
practitioner

(ii) any person possessed of qualifications which render him eligible for registration as a Medical Practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentists' Act, 1878, and any Act of Parliament amending the same Act or under any law for the registration of Medical Practitioners or dentists for the time being in force in any part of British India, and approved by the Excise Commissioner in Central India for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India, or

(iii) any other person engaged in medical or veterinary practice and approved by the Excise Commissioner in Central India for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.

Excise
Commissioner.

(2) "Excise Commissioner" means the officer appointed by the Agent to the Governor General in Central India under Section 7 (a) of the Excise Regulation, 1915, as applied to the Administered Areas in Central India.

Local Excise
Authority.

(3) "Local Excise Authority" means the officer appointed by the Agent to the Governor General in Central India, under Section 7(b) of the Excise Regulation, 1915, as applied to the Administered Areas in Central India, in charge of the Excise Administration of a Cantonment.

Excise Officer.

(4) "Excise Officer" means an officer appointed or invested with powers under the Excise Regulation, 1915, as applied to the Administered Areas in Central India.

Licensed
Druggist.

(5) "Licensed Druggist" means a person to whom a license for the retail sale of opium and medicinal drugs containing opium for medicinal purposes has been granted by the Local Excise Authority.

Licensed
Vendor.

(6) "Licensed Vendor" means a person to whom a license for the retail sale of opium has been granted by the Local Excise Authority.

Poppy heads.

(7) "Poppy heads" means the capsules of the poppy plant (*papaver somniferum*) which have not been lanced and from which the juice has not been extracted.

Retail sale.

(8) "Retail sale" means the sale at any one transaction of opium in any quantity not exceeding three tolas, and poppy heads in any quantity not exceeding one seer.

Seer.

(9) "Seer" mean a weight of eighty tolas.

Tola.

(10) "Tola" means a weight of one hundred and eighty grains Troy.

(11) "Excise year" means, in the Cantonment and Civil Lines ^{Excise Year,} of Nowgong the year commencing on the 1st July and ending on the 30th June, in the Cantonment of Mhow the year commencing on the 1st October and ending on the 30th September, and in the Cantonment of Neemuch the year commencing on the 1st November and ending on the 31st October

(12) "The Act" means the Opium Act, 1878

Opium Act

B—Possession

(2) Any person may, without a license, at any one time have ^{By a private individual} in his possession —

(a) Opium to the extent of three tolas,

(b) Poppy heads to the extent of one seer,

Provided that the opium and poppy heads shall have been imported or purchased in a manner authorised by these rules

(3) Subject to the conditions of his license, a licensed vendor ^{By a licensed vendor} may possess any quantity of opium purchased by him or under his authority from the Government

(4) Subject to the conditions of his license, a licensed druggist ^{By a licensed Druggist} may possess opium and medicinal drugs containing opium to the extent specified in his license

(5) An approved practitioner may possess opium and medicinal ^{By an approved practitioner} drugs containing opium for use in exercise of his profession in quantities not exceeding those specified below —

Opium	20 Tolas
Opium Powder	10 Tolas
Poppy Heads	5 Seers

(6) A person who has, under these rules obtained a pass for the ^{By holder of a permit or pass} import, export or transport of opium may, subject to the conditions of such pass, possess opium in quantity not exceeding that specified in the pass

(7) Any officer of Government may, as such, possess opium which ^{By an Officer of Government} has come into his possession in the course of his official duties

Provided that he shall dispose of such opium in such manner as may be directed by his superior officer or required by the rules made or instructions given by Government in that behalf

(8) Any person who has been a licensed vendor or a licensed druggist may, with the sanction of the Local Excise Authority ^{By a licensed vendor on the expiry of his license} possess any quantity of opium of which at the time of the expiry of his license he is in lawful possession in accordance with the conditions of his license and of these rules till such time as he shall have disposed of or surrendered the same under these rules

C.—*Transport.*

Transport by
licensed
vendors.

(9) Any person licensed to sell opium by retail may, subject to the conditions of his license, transport opium from a Government warehouse under cover of an entry in his pass book made by the officer in charge of the warehouse. The pass book shall accompany the consignment and shall be retained at the shop of the licensed vendor to which the consignment is made.

Transport by
Druggist.

(10) Opium may be transported by any licensed druggist, duly licensed to sell opium, for the purposes of his business as such druggist and in such quantity as added to his stock in hand shall not exceed that specified in his license.

(11) Opium may be transported by any Government Officer acting, in regard to such transport, in the performance of his official duties.

Transport by
holders of permit.

(12) Persons holding import, export or transport pass granted in another Province or State may transport opium through the Administered Areas in Central India.

D.—*Import.*

Import by private
Individual.

(13) Any person may import to the extent of the quantity which may, under Rule 2, be possessed without a license.

(14) The import of opium in excess of the quantity which may, under Rule 2, be possessed without a license is permitted if made—

Import by
Government
Officer.

(a) by a Government officer acting, in regard to such import in the performance of his official duties.

Import by
licensed
Druggists, etc.

(b) subject to the conditions of his license, by a licensed druggist or approved practitioner in respect of opium or medicinal drugs containing opium imported from other Provinces of India or from beyond the limits of India.

Compliance of
the rules in
force in the
province of
export.

(15) The import of opium from any province or Indian State is in all cases subject to the conditions that the importer shall comply with the rules for the time being in force in the Province or the State of export.

Import on
Government
account.

(16) Subject to the general provisions specified in part F below the import of opium by Government on its own account is permitted.

Prohibition
for import.

(17) Save as provided in these rules the import of opium is prohibited.

E.—*Export.*

Export from the
Government
Warehouse at
Indore.

(18) Subject to the general provisions specified in part F below, the export of opium from the Government Warehouse at Indore is permitted.

F—General Provisions relating to the Import, Export and Transport of opium

(19) The import, export and transport of opium by post through-Transmission
out the territories to which the Act extends is prohibited by post
Provided—

(1) that consignments on behalf of Government may be transmitted by means of inland post under the following conditions, namely —

(i) only the parcel post shall be used

(ii) the parcel shall be accompanied by a declaration stating the names or designations of the consignee and consignor, the content of the parcel in detail the indent number and date covering the transaction and such other particulars as experience may show to be necessary, and

(iii) the consignee shall show distinctly in his account books the name or designation of the consignor and the quantity of opium sent to him from time to time by post

(2) that any person licensed to possess and sell opium shall be at liberty to import, export or transport opium or medicinal drugs containing opium by means of inland post under the following conditions, namely

(i) only the parcel post shall be used and the parcel shall be insured

(ii) the parcel shall be covered by a permit which shall in the case of transmission to any area to which the said Act applies, be issued by the local excise authority and in all other cases by the proper authority in the province or other area to which the parcel is addressed

(iii) the parcel shall be accompanied by a declaration showing the names of the consignee and the consignor, the contents of the parcel in detail the permit number and date covering the transmission and the numbers of the licenses held by the consignor and by the consignee, if any

(iv) the consignor and the consignee, if he is a licensee, shall show distinctly in their account books the names of the consignee and consignor respectively and the quantities of the opium transmitted by and to them from time to time by post

(20) Save when otherwise directed by the Excise Commissioner Transmission
in the case of any particular consignment or consignments, the by rail
import, export or transport of opium exceeding the limit of

individual possession shall be by rail and shall only be permitted in accordance with the following regulations :—

(a) The consignment shall be covered by a pass in Form C. I.-Ex. 41 or Form A as given in Appendix A. issued in accordance with the provisions of these rules, and under such subsidiary instructions as the Agent to the Governor General may from time to time prescribe, by one or other of the following officers, *viz.* :—

- (i) a Political Officer not below the rank of a Political Agent,
- (ii) the Excise Commissioner in Central India, or the Deputy Opium Agent in Malwa, or by a Gazetted Officer authorised by him in this behalf,
- (iii) the Officer of the State duly empowered under the State Law in this behalf, or
- (iv) the Government Purchasing Officer or the Joint Opium Officer (in the case of purchase of opium by Government).

(b) Every package containing opium shall, whether any person responsible therefor is travelling along with the consignment or not,

- (i) be handed over to the custody of the Railway Officials and by them be booked through from the Railway Station at which it is brought to the Railway Station at which it is to be taken off the Railway,
- (ii) be carried in securely sealed receptacles or packages from and to the place and within the period specified in the pass, the seals shall not be removed nor bulk broken in transit, and the consignment shall not be unnecessarily delayed in transit through any area to which the Act extends ;
- (iii) be carried only by the route specified in the pass or by the most direct route if no route be so specified and shall in no circumstances be diverted from that route while in transit through any area to which the Act extends.

G.—*Exemptions.*

(21) All transactions in opium on account of Government may be carried on without restrictions.

(22) The possession of opium, poppy heads and medical preparations, the manufacture of medicinal preparations and their sale in accordance with the prescription of an approved practitioner, by hospitals or dispensaries working under Government supervision, are exempt from the operation of these rules.

Provided that such opium, poppy heads and (save where manufactured at the hospital or dispensary) such medicinal preparations have been obtained under an indent countersigned by the Chief Medical Officer in Central India.

(23) Subject to such restrictions as he may impose the Excise Commissioner may exempt any other medical institution from the operation of these rules in regard to the possession of opium poppy heads and medicinal preparations and their sale in accordance with the prescription of an approved practitioner

Provided that such opium, poppy heads and (save where manufactured at the institution) such medicinal preparations have been obtained under an indent countersigned by the Chief Medical Officer in Central India

(24) In the case of all indents for opium for medical institutions, countersigned as above by the Chief Medical Officer in Central India the opium, if obtained from the Government Warehouse at Indore will be supplied at cost price

II—Sale of opium

(a) Wholesale —

(25) Save with the special sanction of the Excise Commissioner, supply of opium to opium in quantities of not less than one seer in weight shall be licensed vendors supplied from the Government warehouses only to licensed vendors from the Government warehouses for retail sale in the Cantonments of Mhow and Neemuch and the Cantonment and Civil Lines of Nowgong or to Native States at such rates as may from time to time be prescribed by the Agent to the Governor General in Central India. The rates at present in force in the Administered Areas are as follows —

	Cost 1 seer (per seer)	Duty (per seer)
	Rs	Rs
Mhow	16	19
Nowgong	16	34
Neemuch	16	15

(26) Subject to the condition 9 of his retail license a licensed vendor of opium may sell opium to a licensed druggist to the extent specified in his license. Sale of opium by wholesale by licensed vendors

(27) (a) The licensed druggist shall manufacture and sell medicinal preparations of opium only at the premises for which the license is granted. He shall purchase all the opium to be used under the license from a person holding a license for the retail sale of opium in the Administered Areas of Central India. He shall not receive or have in his possession opium obtained otherwise. Sale of opium and medicinal drugs by licensed druggists

(b) The medicinal preparations manufactured by the licensed druggist under his license shall be sold wholesale only to other druggists, chemists or medical practitioners

(28) A person who has been a licensed vendor may, with the sanction of the Local Excise Authority, sell wholesale to a licensed vendor any opium which is left in his possession at the expiration of his license. Licensed Vendor may sell opium in his possession on expiry of license

(b) Retail Sale.

Sale of opium
by retail.

(29) Sale of opium by retail is permitted only in accordance with the terms and conditions of a license granted as provided in the following rules.

Kind of licenses.

(30) Licenses for the sale of opium may be granted either—

(a) for retail vend ; or

(b) for sale by a licensed druggist for medicinal purposes only.

Grant of
licenses and
scale fixed
for the
location of
shops.

(31) Licenses to sell opium by retail shall be granted by the Local Excise Authority in respect of such places in the Cantonment as the Local Excise Authority, subject to the orders of the Excise Commissioner, may determine. The scale and number of such licenses shall not ordinarily be in excess of 1 to every 10,000 inhabitants.

Period of
license.

(32) Retail licenses shall be granted for a period not exceeding one year and every such license shall cease to be in force and shall determine on the expiry of the excise year for which it was granted. The licenses shall ordinarily be disposed of by auction or tender by the Local Excise Authority or other officer authorised by the Excise Commissioner in this behalf before the commencement of each excise year.

(33) The Local Excise Authority may on receiving a written application, grant licenses on a fee of Re. 1 to approved druggists to sell opium and medicinal drugs containing opium for medicinal purposes only. The period for which this license will be granted shall be one year or a part thereof. The maximum quantity of opium which the licensee may possess shall be stated in the license.

Time and place
of auction to be
notified.

(34) All auctions will be held at a time and place previously determined with the approval of the Excise Commissioner and notified as widely as possible by the Local Excise Authority.

Auction
conditions.

(35) The auction shall ordinarily be governed by the following conditions, which shall be read to intending bidders before the auction commences :—

(1) The presiding officer is not bound to accept the highest or any bid.

(2) The acceptance by the presiding officer of any bid is subject to the confirmation of the Excise Commissioner as provided by the rules in this behalf,

(3) Every person bidding will be held to his bid, whether it be the highest or not.

(4) Former licensees who are in arrears to Government as regards payment of excise or opium revenue, or whose conduct as licensees has been unsatisfactory, or who have been guilty of serious breaches of their licenses under the

Excise Regulation or Opium Act or the rules made thereunder, and persons who have been convicted by a Criminal Court of such offences as in the opinion of the officer holding the auction render them undesirable holders of licenses, and persons believed to be of bad character, shall not be entitled to bid at the auction, without the consent of the Local Excise Authority or the Officer holding the auction

(5) An agent shall not be allowed to bid unless he holds a power of attorney from his principal or unless such principal is present and authorises the agent to bid on his behalf

(6) Without the express sanction of the Local Excise Authority, no person shall bid for an Excise privilege who holds or is the agent or servant of any person holding a similar privilege in an adjoining area whether of British India or of an Indian State

(7) The right to open new shops for the sale of opium during the currency of the excise year is reserved to Government

(36) The confirmation of any auction sale held by the Local Excise Authority shall rest with the Excise Commissioner who may accept or reject any bid at his discretion without cause assigned Confirmation of auction sale

(37) (a) No person holding or possessing any interest in a foreign liquor license may hold or possess any interest in a license for the retail vend of opium in the same locality, (b) without the special sanction of the Excise Commissioner no person holding or possessing any interest in a license for the sale of country liquor may hold or possess any interest for opium in the same locality Certain persons debarred from bidding

(38) Copies of the various forms of licenses prescribed shall be made available, before the commencement of the auction for the inspection of intending bidders

(39) The officer conducting the auction will, in accepting or rejecting bids exercise his discretion in such a manner as to exclude bids which are the result of speculation or rivalry and are obviously in excess of the market value of the license as to prevent the creation of undesirable monopolies, and as to preclude the acceptance as licensees of undesirable persons or persons of doubtful solvency. When there is no reason to the contrary, the highest bid, if adequate, shall be accepted. If the price offered by the highest suitable bidder is not adequate the license shall be withdrawn for resale at a subsequent date or for settlement by tender. When once a bid has been accepted, no subsequent offer in respect of the same license shall be considered Acceptance of bids

(40) As soon as possible after the auction has been held, its result shall be reported by the Presiding Officer to the Excise Commissioner for sanction. The Excise Commissioner may either Result of auction sale to be reported to Excise Commissioner

sanction the auction or pass such other orders as he considers suitable regarding the disposal of all or any of the licenses offered for the sale.

(41) Subject to such modifications, if any, as may in the case of any license be approved by the Excise Commissioner, licenses granted by the Local Excise Authorities for the retail sale of opium shall be in Form O. I. as given in Appendix C.

Resale or
cancellation
of licenses.

(42) In the event of the cancellation, forfeiture or determination during the currency of the excise year of any license for the retail sale of opium such license shall be sold immediately by the Local Excise Authorities for the remainder of the excise year. The Local Excise Authorities shall, in effecting such resale, be guided by the principles contained in the foregoing rules, so far as the same can be applied without causing undue delay; and in the event of the resale being effected by auction the provisions of rule 35 shall apply to the proceedings. The resale will not require the sanction of the Excise Commissioner to whom, however, it should be reported immediately.

Forms of
licenses and
permits.

(43) Subject to the provisions of the Opium Act, 1878, and of these rules, every license or pass granted under these rules shall be in such form and shall contain such particulars and shall be granted on payment of such fees, for such period, and subject to such conditions as the Agent to the Governor General in Central India may, from time to time, prescribe. The forms in use at present are as follows :—

1. The retail license in Form O. I.
2. The druggist license in Form O. II.
3. The shop transport pass book in Form O. III.
4. The export or import pass in Form C. I.-Ex. 41, or the same as Form A as prescribed under the Indore Warehouse Rules in Chapter IV Part B.

These Forms are given in Chapter VIII under Appendix C.

(44) Save where otherwise prescribed in the license form the following conditions shall apply to all licenses for the retail sale of opium :—

C.—General License Conditions.

The personal
character of
the privilege.

(1) (a) Every license granted shall be deemed to have been granted personally to the licensee named therein, and shall, on the expiry thereof, be surrendered to the Local Excise Authority;

(b) If any license-holder die before or during the period of the currency of his license such license shall forthwith cease to be in force:

Provided that the Local Excise Authority may, at his discretion, continue any such license in favour of any heir or of the surety of the deceased license-holder.

(2) A sum equal to 1/6th of the annual fee shall be deposited ^{Payment of fees} by the successful bidder as security on the fall of the hammer or before the conclusion of the sales for the day, and the balance shall be paid by such instalments as shall be specified in the license to be granted. The deposit required by this rule shall ordinarily be in cash, but the presiding officer may, in his discretion, accept Government promissory notes (or other securities in which trust monies may be invested under section 20 of the Indian Trust Act, 1882, and the rules made thereunder by any High Court) of the required value at the market rate of the day, provided that such Government promissory notes or other securities shall before they are accepted in deposit have been endorsed by the last holder in blank or in favour of the Local Excise Authority. If the successful bidder fails to accept his license within 7 days of the delivery to him or of the publication at the office of the Local Excise Authority of a notice requiring him to do so or if default is made in the payment of the deposit the license will be resold at the risk of the defaulting purchaser either immediately or on the following day or on such future date as the officer conducting the sale may then and there notify. The defaulting purchaser shall be debarred from bidding for the same, or for any other license, and if the price finally accepted at the resale be less than that bid at the first sale the difference will be recoverable from the defaulter in accordance with section 23 of the Act.

(3) The premises on which sales under a license may be carried ^{Licensed premises} on shall be as specified in the license. Outside such premises the sale of opium is prohibited, as is also the possession of opium in quantity greater than that permitted to unlicensed persons, and unless covered by a transport pass or permit.

(4) Sales must be conducted in a building of which the whole ^{Character of shop premises} or part must be entirely set aside for use as a shop. The sale room shall be suitably constructed and lighted as may be required by the Local Excise Authority, and the interior thereof, where sales are effected, shall be visible from the doorway. The shop shall not be used for any other purpose than that for which it is licensed. If there are means of communication between the shop and an adjoining dwelling house, such must be locked at night.

(5) No shop shall be sold, transferred or sub leased, nor shall ^{Transfer or sublease of license} a holder of any such shop enter into a partnership for the working of such shop in any way or manner, without the written permission of the Local Excise Authority, which shall be endorsed on the license. A partner or sub lessee shall be bound by all the conditions of the license, but the original licensee also shall continue to be responsible to Government for the due payment of the license fees.

(6) No agent shall be appointed for the management of any ^{Appointment of agents and servants,} opium shop without the previous approval of the Local Excise Authority. Such approval may be withdrawn at any time. A

servant or dependent of the licensee who merely assists in the shop shall not be deemed an agent within the meaning of this rule, but a person, other than the wife or husband of the licensee, who manages a shop on behalf of the licensee, shall be considered an agent even though he be a member of the licensee's family.

Shops to be kept open and adequately stocked.

(7) Shops shall be kept open throughout the year unless their temporary or permanent closure has been authorized by the Local Excise Authority. Such supply of opium as the Local Excise Authority may consider sufficient to meet the local requirement shall be maintained.

Supply of stock.

(8) Save where otherwise prescribed in the transport pass, all consignments of opium shall be carried to their destination by the nearest practicable route. Such consignments shall be taken there intact, within the time prescribed, and shall be accompanied by the transport pass. Such pass shall only cover opium agreeing in quantity, quality and all other respects with the particulars recorded therein. Passes shall be produced on the demand of an officer authorised on this behalf.

Restrictions applicable to liquor contractors.

(9) Without the sanction of the Excise Commissioner, no person holding or possessing any interest in a license for the sale of liquor may hold or possess any interest in a license for opium in the same locality.

Restrictions applicable to certain persons.

(10) (a) No person except the licensee, his agent or servant shall be allowed to stay in any shop during the night.

(b) No person apparently under 14 years of age and no insane person shall be permitted to enter a shop, and no intoxicated person shall be allowed to enter or remain therein.

(c) During the hours for which the premises are permitted to be kept open for business no person licensed to sell opium shall employ or permit to be employed in any part of the licensed premises any woman except his wife or the wife of his agent, either with or without remuneration.

(d) No person suffering from leprosy or from any contagious disease shall be employed in the transport or sale of opium.

(e) No person who has been convicted of an offence under the Excise Regulation or the Opium Act or any non-bailable offence shall be employed in the transport or sale of opium without the previous sanction of the Local Excise Authority.

Licensee to report offences of which he has knowledge.

(11) A licensee is bound to report to the Local Excise Authority all instances which come to his knowledge of persons employed by him in the manufacture, carriage or sale of opium committing breaches of the Excise Regulation or Opium Act or of the rules made thereunder or of the engagements entered into by the licensee and he shall comply with the Local Excise Authority's orders respecting the further employment of such persons.

(12) Only such weights and scales as may from time to time be approved by the Excise Commissioner, and correct scales of such pattern as shall be approved by the Local Excise Authority, shall be used on any licensed premises. The possession of other weights or scales on any licensed premises or the giving of short weight shall be considered a breach of the license.

(13) No opium shall be sold or given—

Prohibition of
sale to certain
persons

(a) to any Railway servant Police or Excise Officer below the rank of Sub Inspector, when on duty or in uniform, any European vagrant in Police custody or any insane person or person known or believed to be intoxicated, or

(b) to European soldiers or to the members of their families without the written permission of the General Officer Commanding the Division or the independent brigade or the Officer Commanding the Cantonment or camp

(c) to persons under the age of 14 years

(14) The licensee shall not receive grain jewels, goods wearing apparel or any other article in pawn for opium nor shall he, without sanction of the Excise Commissioner receive any article in exchange for opium and all sale transactions shall be for cash only, such cash to be paid over at the time of sale.

Transactions
to be for cash
only

(15) Opium shall not be sold below such minimum and above such maximum price if any as is or may from time to time be, fixed by the Local Excise Authority for the sale of the same.

Minimum or
maximum prices

(16) No opium in excess of the quantity prescribed shall be permitted by any person in any one day from any licensed premises without a valid pass.

When passes are
required

(17) There shall be affixed to the front of each shop a sign board painted in the local vernacular showing the nature of the license under which sales are conducted the name of the licensee and the current rate of sale as approved by the Local Excise Authority.

Sign boards and
rates

(18) All opium sold or kept for sale shall be unadulterated and of a quality approved by the Local Excise Authority. Nothing shall be added to it either to increase its intoxicating power or for any other purpose. On demand of any officer authorised to inspect the shop, the licensee shall produce the whole of his stock of opium. Such officer is empowered to detain any opium found unfit for consumption or in any way adulterated. The Local Excise Authority may order the destruction of the same, provided that the owner of the article has been given an opportunity of representing his case before such order is passed.

Articles to be of
good quality and
unadulterated

(19) True accounts of sale transactions shall, if the Local Excise Authority so orders, be maintained in the prescribed form in the shop premises from day to day in ink. Shop pass books for opium

Accounts

must be kept in the shop except when sent to the warehouse for the issue of a fresh supply.

The furnishing of
returns.

(20) Such returns and information as may from time to time be required by the Local Excise Authority shall be furnished by license-holders.

Inspection
Note-Book.

(21) An inspection-book shall be maintained and shall be produced before any officer empowered to inspect the shop. On presentation of a receipt therefor, it shall be made over to any Excise Officer not below the rank of Sub-Inspector or to any person authorized by such officer to receive it.

Pecuniary
dealings
with Excise
Officers.

(22) Transactions of the nature of a gift or loan to Excise Officers are prohibited : and all other pecuniary dealings by licensees with Excise Officers require the prior sanction of the Local Excise Authority or the Excise Commissioner.

Disposal of
balances.

(23) The following conditions shall apply to the disposal of balances of opium left with a retail vendor after the expiration, suspension or cancellation of his license :—

- (a) If the retail vendor has obtained a new license for the same article, which is to come into force immediately on the expiry of the old license and is granted for the same premises, he may retain his balance of stock for the purposes of the new license.
- (b) If the retail vendor's new license is for different premises, he must on the expiry of the old license forthwith deposit his stock with such person as the Local Excise Authority may by general or special order, appoint for the purpose, and shall not remove it thence to the new shop except under a permit granted by an Excise Officer of rank not below that of Sub-Inspector.
- (c) If the retail-vendor has been granted no other license he shall deposit his balance as provided in clause (b), and with the prior sanction of the Local Excise Authority, may dispose of it wholesale to any other licensed vendor of the same class of article. The stock shall then be transported to the premises of such retail vendor under a permit granted by an Excise Officer of rank not below that of Sub-Inspector. In the event of the former license-holder being unable to dispose of his balance within 10 days of the date of expiry of his license, the person to whom the new license has been granted in his stead or, if no such new license has been granted, any licensed vendor of the article may be required, under penalty of forfeiting his license, to purchase the article at such price as the Local Excise Authority may fix and in any quantity not exceeding that which the Local Excise Authority may determine to be ordinarily saleable by him in 10 days.

Provided that if the article be unfit for use, the whole of it, or if the quantity be unreasonably large, the excess may be destroyed under the orders of the Local Excise Authority. The vendor shall not be entitled to any compensation for any loss suffered in consequence of action taken under the rule

(24) If it is notified by the Local Excise Authority that from any particular date the duty leviable on opium is to be enhanced, all licensed vendors in possession of such opium shall, on the evening preceding that date, deposit their stock with such person as the Local Excise Authority may appoint for the purpose. Such stocks shall remain in deposit until verified, and the Local Excise Authority may order that the difference of duty be levied on the balance of the stocks, and the licensee shall then pay such duty within 30 days of the date on which the enhanced rate of duty comes into force, Procedure when duty on opium is enhanced

Provided that—

- (a) if such stock, or part of such stock be destroyed, the difference of duty shall not be levied on the stock destroyed, and
- (b) if a balance of stock so deposited is transferred to another licensed vendor, the difference of duty shall be levied from the transferee before the transfer is completed

(25) The licensee shall at once produce his license and accounts for inspection on the demand of any officer of any of the departments of Excise or Police, not below the rank of Sub Inspector empowered under Section 14 of the Opium Act 1878 and he shall not prevent any such officer from entering into his premises at any hour of the day or night Production of license and accounts

(26) (1) Any license granted under these rules may at any time, be forthwith revoked and cancelled by the Local Excise Authority— Revocation and cancellation of licenses

- (a) If the license holder shall infringe or cause or permit any other person to infringe any of the conditions of his license or any rule for the time being in force under, or any provisions of, the Opium Act, 1878,
- (b) If the license holder become physically or mentally or otherwise incapable, for any period exceeding one month, of personally carrying on his business under his license,
- (c) If the license holder be declared insolvent or be imprisoned for any criminal offence,
- (d) For any other sufficient cause

Provided that the Local Excise Authority may, in his discretion, accept such sum, not exceeding Rs 200 as he may think proper by way of composition

(2) When the Local Excise Authority cancels a license under sub-clause (d) of clause (1), he shall remit a sum equal to the amount of the fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting the sum aforesaid, make such compensation for default of notice as the Excise Commissioner directs. On the expiration of the notice, or on the payment of the additional compensation, the Local Excise Authority may cancel the license. Otherwise, no person to whom any license has been granted under these rules shall be entitled to demand, recover or receive any payment or compensation whatsoever, or any refund of fees or instalment of fees already paid by him, or any remission of any sum due from him to Government, in respect of the revocation, cancellation or other determination of such license in accordance with any of the provisions of these rules or of any condition of such license.

(3) The revocation, cancellation or other determination of any license granted to any person, under any power conferred by these rules, shall not operate as a bar to, or otherwise in any way affect, any proceeding which may lawfully be taken against such person in respect of anything done under, or arising out of, or connected with, anything done under such license, nor shall such revocation, cancellation or other determination relieve such person of any liability or penalty incurred by him under any provisions of the Opium Act, 1878, or other law for the time being in force regulating the manufacture, import, export, transport and possession of opium or any of these matters or the rules made under this Act or such law.

(27) Subject to the provisions of the Opium Act, 1878, and the rules made thereunder, the Excise Commissioner may, from time to time, give such directions as he may think fit, for the purpose of carrying out the provisions of the rules.

CHAPTER IV

CONTROL AND SUPPLY OF OPIUM

PART A

Cultivation and Control

37 The cultivation of the poppy in the Administered Areas in Administered
Central India and in the Railway Lands is prohibited Areas

38 The opium poppy has for many generations been a promi- Central India
nent crop in the Malwa States of Central India and Rajputana States
In the days of the export trade to China poppy cultivation extended
to practically every State in Central India and the cultivation was
limited only by the extent to which the whole-sale dealers were
prepared to finance the poppy cultivators The cessation of the
export trade in 1913 left the merchants with an accumulated stock
of some 50 000 chests and a local annual demand for at the most
2—3,000 chests As a result prices fell and the merchants ceased to
finance further cultivation and by 1916 owing partly to this cause
and partly to the higher prices fetched as a result of the commence-
ment of the great war, by other crops the poppy cultivation in
Central India and Rajputana had dwindled to some few thousand
acres Up to 1916 the Government of India had supplied the
excise opium required by British India and by most States outside
Rajputana and Central India from strictly controlled cultivation in
the United Provinces In 1916 for a variety of reasons it was
decided to offer certain States with territory situated in the best
opium producing tract in Malwa, contracts for the supply to Govern-
ment under the State monopoly system of limited amounts of crude
opium With the gradual reduction in the demand for Excise
opium the contractual amounts have had to be reduced and the
present contracts which will expire in 1936 are for the supply of
4,355 maunds of crude opium annually to Government and permit
of the licensing of approximately 19,500 acres of poppy cultivation.
The States which have entered into these contracts are Gwalior,
Indore, Tonk, Partabgarh, Jhalawar, Jaora, Sitamau, Sailana,
Ratlam, Palsana and Dhar

opium officers and the remaining 9 States have joined the Joint
Opium Scheme and are advised in all matters connected with their
supply contracts of crude opium by a deputed officer of the United
Provinces Opium Department The Joint Opium Scheme is given
at Appendix A.

39 The poppy cultivation in Central India and Rajputana is
at present to all intents restricted by the States to the require-
ments of these contracts and to the cultivation licensed in Kotah
and Tonk States for the requirements of the biscuit opium export

(2) When the Local Excise Authority cancels a license under sub-clause (d) of clause (1), he shall remit a sum equal to the amount of the fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting the sum aforesaid, make such compensation for default of notice as the Excise Commissioner directs. On the expiration of the notice, or on the payment of the additional compensation, the Local Excise Authority may cancel the license. Otherwise, no person to whom any license has been granted under these rules shall be entitled to demand, recover or receive any payment or compensation whatsoever, or any refund of fees or instalment of fees already paid by him, or any remission of any sum due from him to Government, in respect of the revocation, cancellation or other determination of such license in accordance with any of the provisions of these rules or of any condition of such license.

(3) The revocation, cancellation or other determination of any license granted to any person, under any power conferred by these rules, shall not operate as a bar to, or otherwise in any way affect, any proceeding which may lawfully be taken against such person in respect of anything done under, or arising out of, or connected with, anything done under such license, nor shall such revocation, cancellation or other determination relieve such person of any liability or penalty incurred by him under any provisions of the Opium Act, 1878, or other law for the time being in force regulating the manufacture, import, export, transport and possession of opium or any of these matters or the rules made under this Act or such law.

(27) Subject to the provisions of the Opium Act, 1878, and the rules made thereunder, the Excise Commissioner may, from time to time, give such directions as he may think fit, for the purpose of carrying out the provisions of the rules.

CHAPTER IV.

CONTROL AND SUPPLY OF OPIUM

PART A

Cultivation and Control

37. The cultivation of the poppy in the Administered Areas in Administered Central India and in the Railway Lands is prohibited Areas

38. The opium poppy has for many generations been a prominent crop in the Malwa States of Central India and Rajputana Central India States. In the days of the export trade to China poppy cultivation extended to practically every State in Central India and the cultivation was limited only by the extent to which the whole-sale dealers were prepared to finance the poppy cultivators. The cessation of the export trade in 1913 left the merchants with an accumulated stock of some 50,000 chests and a local annual demand for at the most 2—3,000 chests. As a result prices fell and the merchants ceased to finance further cultivation and by 1916 owing partly to this cause and partly to the higher prices fetched, as a result of the commencement of the great war, by other crops the poppy cultivation in Central India and Rajputana had dwindled to some few thousand acres. Up to 1916 the Government of India had supplied the excise opium required by British India and by most States outside Rajputana and Central India from strictly controlled cultivation in the United Provinces. In 1916 for a variety of reasons it was decided to offer certain States with territory situated in the best opium producing tract in Malwa, contracts for the supply to Government under the State monopoly system of limited amounts of crude opium. With the gradual reduction in the demand for Excise opium the contractual amounts have had to be reduced and the present contracts which will expire in 1936 are for the supply of 4,355 maunds of crude opium annually to Government and permit of the licensing of approximately 19,500 acres of poppy cultivation. The States which have entered into these contracts are Gwalior, Indore, Tonk, Partabgarh, Jhalawar, Jaora, Sitamau, Sailana, Ratlam, Panchet, etc.

opium officers and the remaining 9 States have joined the Joint Opium Scheme and are advised in all matters connected with their supply contracts of crude opium by a deputed officer of the United Provinces Opium Department. The Joint Opium Scheme is given at Appendix A.

39. The poppy cultivation in Central India and Rajputana is at present to all intents restricted by the States to the requirements of these contracts and to the cultivation licensed in Kotah and Tonk States for the requirements of the biscuit opium export

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trade to 7 Western Rajputana States. A few acres of poppy cultivation are still licensed in two States for meeting part of the local Excise demand, but everywhere else the States have realised that it pays to prohibit poppy cultivation in the case of States with only a small local demand to meet. As a result of the increased control over opium which became possible after 1915 the States have started to place excise duties on the local consumption of opium and opium in the States has more and more come to be regarded, as in British India, as a State monopoly to be taxed for the benefit of the State. The Government of India have also adopted the principle that in the case of opium, as in that of other Indian made excisable articles, taxation should follow consumption and the Excise opium supplied from the Government of India opium factories is accordingly supplied to indenting States at cost price.

Mewar Purchase
Scheme.

40. In 1931 on the recommendation of a Committee appointed to inquire into the matter, the Government of India secured the bringing under effective State control of all the surplus stocks of opium in Mewar estimated at 8,500 chests by undertaking to purchase these stocks after expert examination at an agreed price within a period of 10 years; the intention being to re-sell the opium at cost price to Central India and Rajputana States for their local excise requirements. This agreement ensured *inter alia* a regular supply of opium of tested and approved quality at fixed and reasonable prices. The cost price of this opium is considerably less than the ascertained cost of opium locally produced. During the currency of this agreement the cultivation of the poppy is prohibited in Mewar.

PART B.

RULES REGULATING THE STORAGE AND SUPPLY OF OPIUM FROM THE BONDED WAREHOUSE ESTABLISHED UNDER SECTION 7 OF THE ACT WITHIN THE LIMITS OF THE INDORE CIVIL AREA.

Indore Warehouse Rules.

Notifn.
No. 3210-C.,
d. 19-6-33.

41. (1) All opium required for consumption in the areas supplied from the warehouse shall be imported on behalf of Government under the orders of the Excise Commissioner in Central India and stored in the warehouse under the supervision of the Officer-in-Charge.

(2) Every consignment of opium received at the warehouse shall be weighed and examined in the presence of the Officer-in-Charge of the Warehouse, and entered in Register No. 1 prescribed by rule 9 of these rules, the entries against each chest being initialled in Column 8 by the Officer-in-Charge. At least 15 per cent. of the boxes shall be opened and their contents examined and weighed in the presence of the Officer-in-Charge. When opium is issued from the warehouse, the opium in each chest of issue shall be weighed in

the presence of the Officer in Charge and the weight recorded in Register No 2 or 3 as may be appropriate the weight entries against each chest being initialed by the Officer in Charge. The total of each consignment received or issued shall also be entered in the Stock Register No 1.

NOTE.—In the case of opium received at the warehouse packed in 'pals' gross weight only will be taken.

(3) Opium shall be issued from the warehouse only—

(a) direct from Chitorgarh or from the Indore Warehouse to the Government factory at Ghazipur,

(b) free of charge to the Local License Authorities of Mhow, Neemuch and Nowgong for storage in the warehouses established in those Cantonments under section 7 of the Act,

(c) on payment of cost price but not duty to States

(d) at cost price to medical institutions on indent countersigned by the Chief Medical Officer in Central India

(4) Opium issued under rule 3 (b) shall be accompanied by a permit in Form A as given in Appendix C and be either consigned by passenger train insured to the Local License Authority of Mhow, Neemuch or Nowgong or else sent with a special messenger. Opium issued under rule 3 (c) shall be consigned by such means and such route under the address of such officer as may be desired by the purchasing State. No opium shall be issued under rule 3 (c) except—

(a) on receipt of an indent in Form B (Form given under Appendix C), or

(b) on receipt of an import permit in duplicate countersigned by the Political Agent.

(5) For each consignment of opium issued under rule 3 (b) a pass in Form A shall be prepared in triplicate. One copy will accompany the consignment one copy will be sent by post to the verifying officer and one copy will be filed in the warehouse. In the case of opium issued under rule 4 (a) a pass in Form A shall be prepared in quadruplicate. One copy will accompany the consignment one copy will be filed in the warehouse one copy will be filed in the office of the purchasing State Agent and one copy will be

of opium issued under rule 4 (b) one copy of the import permit received from the purchasing State will be filed in the Indore Warehouse and the second copy will accompany the consignment.

(6) It shall be the duty of the Officer in Charge of the warehouse to forward to the purchasing State the Railway receipt for each consignment despatched and to furnish details of the amount

on account of cost price and other incidental charges due for recovery, if such amount and charges have not been paid in advance. This shall be done by means of a letter in Form C as given under Appendix C suitably amended where necessary, and a Bill in Form D. A copy of this letter shall also be forwarded to the Political Agent. The Officer-in-Charge of the warehouse will be responsible for seeing that the total amount due for each consignment is duly recovered from the purchasing State and credited into the treasury, and that a receipt in Form E is supplied to the State.

(7) On the arrival of the consignment at the destination, it shall be carefully examined by the verifying officer and weighed in his presence, and the result of such examination and weighment recorded by him both on the pass which accompanied the consignment and on the copy, if any, received by him by post. The latter should be filed by him and the former returned to the officer-in-charge of the Indore Warehouse, by whom it will be pasted to the counterfoil kept in his office. The officer-in-charge will be responsible for making inquiries into every case of shortage in transit other than such as can be reasonably explained as due to dryage.

(8) Opium issued under rule 3 (b) shall, as soon as the provisions of rule 7 have been complied with, be stored in the bonded warehouse established for the Cantonment under section 7 of the Act.

(9) The following registers shall be maintained in the Indore warehouse in the forms described below :—

- (a) Register showing receipts of opium (Form No. 1).
- (b) Register showing issues of opium to State (Form No. 2).
- (c) Register showing receipts and issues of opium for Administered Areas (Form No. 3).
- (d) Opium stock register (Form No. 4).
- (e) Register of monthly issues of opium to States (Form No. 5).
- (f) Opium Cash Register (Form No. 6).
- (g) Register of open boxes (Form No. 7).

(10) The instructions relating to each register shall be carefully followed. Form 6 will be put up to the Excise Commissioner on the first working day of the month.

(11) All chests shall, after examination on arrival, be placed in the warehouse under double locks, the key of one lock being kept in the personal custody of the officer-in-charge of the warehouse and that of the other in the custody of the warehouse clerk.

(12) The Deputy Opium Agent in Malwa is appointed to be the officer in charge of the warehouse and is authorised to delegate his duties as such, when absent from Indore to a Secretary to the Agent to the Governor General in Central India. The warehouse clerk shall be the person appointed as such by the Agent to the Governor General

PART C

INSTRUCTIONS ISSUED BY THE EXCISE COMMISSIONER REGULATING THE METHOD OF PAYMENT OF OPIUM BY INDENTING STATES AND ITS RECEIPT AND CREDIT TO GOVERNMENT

42 (a) *Method of payment—*

(1) Remittances should preferably be sent by cheque to the address of the Deputy Opium Agent in Malwa, Indore, by name and if the cheque is upon a Bank elsewhere than at Indore, contain an addition to cover Bank charges on the scale as may be charged by the Bank from time to time

(2) If it is desired to make payment by cash at the time of purchase, the Agent or Contractor of the State should be informed that he will be required first to credit the money into the Indore Treasury. He should then proceed to the warehouse and present the challan and will be supplied with opium up to the value of the challan. The warehouse clerk has no authority to receive any money in payment for opium at the warehouse and Government will not be responsible for any payment so made

(3) If it is desired to make payment after receipt of the opium other than by cheque, then the remittance should be sent either by money order, or in currency notes by insured cover, in either case the amount should be despatched to the address of the Deputy Opium Agent by name

(4) If desired opium can always be obtained from the warehouse by value payable post, the railway receipt for the consignment being so sent to the consignee

(5) Opium issued to a licensed wholesale contractor must either be paid for in advance or by means of the value payable post

(b) *Procedure for receipt and credit of payments to Government*

43 (1) All money in payment of the price of opium sold from the warehouse whether received in cash or through the Post Office by money order, insured post, value payable post or by cheque will be personally received by the Deputy Opium Agent in Malwa or in his absence on tour or otherwise by the Under Secretary to the Hon'ble the Agent to the Governor General in Central India. The receiving officer will enter the particulars in the register maintained by the Deputy Opium Agent for the purpose

The money thus received will be handed over by the officer receiving it to the Head Clerk, Excise Commissioner's office, who will forthwith enter the amount in the Opium Cash Register which is maintained by the Head Clerk personally. He will then prepare the necessary challan in duplicate and obtain the signature of the receiving officer on the challan and credit the amount into the Treasury. In the event of the Treasury being closed or when there is not sufficient time available, owing to late receipt, to credit the amount into the Treasury on the day of receipt, the Head Clerk will send it to the Treasurer for safe custody in a sealed box and take the signature of the Treasurer in token of receipt. The money will then be credited into the Treasury on the next working day as soon as office opens.

(2) On the following day on the return of the duplicate copy of the receipted challan from the treasury, the Head Clerk will prepare a formal receipt for the amount for the signature of the Deputy Opium Agent in Malwa and for despatch to the payee. The Deputy Opium Agent will enter the number of the deposit entry and the challan number in the receipt register maintained by him as above. The receipt number will also be entered by the Head Clerk in the appropriate column in the opium issue register which entry shall be initialled by the Deputy Opium Agent after verification with the receipted challan.

PART D.

RULES REGULATING THE STORAGE AND SUPPLY OF OPIUM FROM THE BONDED WAREHOUSES ESTABLISHED UNDER SECTION 7 OF THE ACT IN THE CANTONMENT AND CIVIL LINES OF NOWGONG, THE CANTONMENT OF MHOW AND THE CANTONMENT OF NEEMUCH.

Notifn.
No. 3211-C.,
d. 19-6-33.

44 (1) All opium required for consumption in the Cantonment and Civil Lines of Nowgong, the Cantonment of Mhow and the Cantonment of Neemuch shall be supplied from the Government Warehouse at Indore under the orders of the Excise Commissioner, and stored in the local warehouse under the supervision of the officer-in-charge.

(2) Every consignment of opium received at the warehouse shall at once be opened, and its contents weighed and examined by the officer in charge of the warehouse in the presence of the Local Excise Authority and entered in the Stock Register, the entry being initialled by the Local Excise Authority.

(3) Opium shall be supplied by the officer-in-charge of the warehouse only in quantities of not less than a seer in weight and only to the holders of a license from the Local Excise Authority for the sale of opium or to their authorised agents, after prepayment in accordance with the following rules of such price per seer on account of duty and cost price as may from time to time be fixed by the Agent to the Governor General in Central India in this behalf together with the duty leviable thereon under Section 5 of the Act.

(4) A licensed vendor requiring opium from the warehouse will fill in and present the challan in duplicate in Form F as given under Appendix C to the Excise Clerk who will check and initial it and after noting the particulars of duty and cost price of opium in his departmental register return it to the vendor for presentation with the amount at the treasury. The treasurer will accept the payment and sign the challan in token of receipt and return one copy of the challan to the vendor retaining the other in the Treasury. The vendor will then take it to the warehouse officer who should check the entries and if the duty and cost price have been correctly credited, issue the opium enter the issue in his departmental register, sign the certificate at the foot of the challan and file it.

(5) The person authorised to remove the opium from the warehouse shall first produce a shop pass book in Form O III before the officer in charge of the warehouse who will make necessary entries therein which will serve as a pass authorising the transport of the opium to which they relate to its destination. The shop pass book will protect the opium only up to the time entered therein in that behalf, and only so long as it is carried by the most direct route from the warehouse to the licensed premises and in unbroken bulk.

NOTE.—Printed copies of the office of the Local Excise Authority may be fixed in that behalf custody of the pass book which shall be kept at the licensed premises for being shown on demand to inspecting officers except when it has to be removed from the shop for the purpose of bringing a fresh consignment from the warehouse. If a current pass book is lost a new one will be issued on payment of such penalty not exceeding Rs. 5 (in addition to price) as may be adjudged by the Local Excise Authority, provided that the Local Excise Authority may entirely remit the penalty in any case justifying such remission. If the opium and hemp drugs licenses are both held by the same person, a single pass book can be used for the transport of both classes of drugs from the warehouse.

(6) Opium shall be issued from the warehouse in the order of its receipt. No portion of the contents of a fresh consignment shall be issued until the whole contents of the previous consignment have been disposed of.

(7) The stock register shall be maintained in Form G as given under Appendix C each receipt or issue of opium being entered in a separate line, and a balance struck after each transaction. Any loss of weight by dryage shall be shown in the last column.

The entries in the register shall at least once a month be compared by the Local Excise Authority with the receipts for duty and with the balance of opium in hand. The entries in columns 5 and 6 shall be totalled at the end of each month and the total of column 6 compared with the corresponding total for the month in the Treasury accounts. In the event of a discrepancy, its cause shall be ascertained by comparing the Treasury receipted challans for the amount of duty and cost price credited in respect of opium with those presented at the warehouse, and a note reconciling the accounts recorded in the stock register.

CHAPTER V.

PROSECUTIONS.

A. *The inter-relation of the Opium and Dangerous Drugs Acts.*

45. Before the Dangerous Drugs Act was brought into operation the term Opium as defined in the Opium Act included all opium derivatives, such as morphine, heroin, chandu, madak, etc., and offences relating to the unlawful use of these were triable under the Opium Act; the term 'export' and 'import' included also export and import to and from places outside British India; and the operations of the Opium Act extended to the cultivation of the poppy and the manufacture of opium. The revised definition of opium as given in the Dangerous Drugs and amended Opium Acts excludes all preparations and admixtures of opium, *i.e.*, opium derivatives, from the scope of the latter Act and it has thus been restricted to

- (a) the possession of opium, *i.e.*, of raw opium or a mixture containing it;
- (b) the transport of opium;
- (c) the inter-provincial import and inter-provincial export of opium; and
- (d) the sale of opium.

46. The main effects of these changes are :—

- (a) that all offences relating to—
 - (i) opium derivatives such as morphia, heroin, prepared opium, etc.,
 - (ii) cultivation of the poppy and manufacture of opium,
 - (iii) sale and possession of prepared opium, *i.e.*, chandu, madak, etc., are now triable under, and regulated by the Dangerous Drugs Act.
- (b) that the term 'export' and 'import' occurring in the Opium Act and in the Excise Regulation, mean "inter-provincial export" and "inter-provincial import" as defined in the Dangerous Drugs Act, with the result that when opium or hemp is unlawfully exported from or imported into British India the offence falls under the Dangerous Drugs Act.
- (c) The Dangerous Drugs Act thus secures a uniform legislation and control throughout British India for Dangerous Drugs as defined in Section 2 (h) of the Act, and the Opium Act is now restricted to the regulation of the arrangements for the import, export, and transport within British India of excise opium, its warehousing, its possession and sale by licensed retail vendors, its possession by private persons, and the powers of excise and other officers with the necessary penal provisions.

B *Detection and Prosecution*

47 The general instructions given in Chapter XIV, Volume I of the Manual apply also to prosecution under the Opium Act Detection and prosecution

48 The Central India Administered Areas are specially exposed to the smuggling of opium owing to the cultivation of the opium poppy in several States in Malwa and to the habit of poppy cultivators of keeping back a portion of their produce for sale or consumption on their private account. As a result of the bringing under State control of the chief surplus stocks there has been an increased tendency for smugglers to have recourse for their supplies to crude opium and to opium lawfully possessed by retail vendors in States in which low supply rates are enforced. All Excise and Police Officers are required to keep a special watch on the movements of suspects and of smuggling gangs. A special Opium Contraband Department has also been established for Central India and Rajputana with headquarters at Ajmer for the sole purpose of preventing and detecting the smuggling of opium. The staff of this department works directly under the control of the Inspector General of Police Ajmer in his capacity as Director Opium Contraband Department and exercises the powers of search seizure and arrest under the Opium Act within the Railway Lands in Central India. An Excise Intelligence Bureau is maintained at Ajmer under the direct supervision of the Director Opium Contraband Department. Opium smuggling

49 In all cases of seizure and arrest made by officers of the Excise Police and Opium Contraband Departments reports are required to be submitted both preliminary and final to the Excise and Opium Commissioner in Central India.

C *Proceedings against Opium cultivators*

50 The following instructions may be of interest to States with areas in which poppy cultivation is licensed Proceedings against opium cultivators

(1) Strict measures are necessary against licensees who (a) exceed their licensed poppy cultivation or (b) retain part of the produce

(2) The only effective sanction against retention of part of the produce by the cultivator is his desire to retain his opium license and the knowledge that if he is detected his license will be permanently cancelled

(3) All cases of retention of crude opium by cultivators should at once be reported to the authority competent to pass orders and in addition to prosecution in all cases resulting in a conviction the license of the offender should be permanently cancelled. It should be noted that the possession of any quantity of opium when not issued from the State opium warehouse is illegal irrespective of whether the amount seized is greater or less than the limit of individual possession. If any Magistrate entertains doubt as to

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whether the opium produced is crude or State Excise opium, the evidence of the chief opium official of the State should be taken as an expert.

(4) In cases in which the poppy is found to be cultivated either by a cultivator who has obtained no license or by a cultivator whose previous license has been cancelled, the invariable rule should be destruction of the standing crop and prosecution.

(5) In cases where cultivators have exceeded the licensed area, the excess area should be destroyed and the license of the individual concerned should thereafter be suspended for a period ranging from 1 to 5 years according to the gravity of the offence.

(6) For purposes of efficient supervision and in order that an adequate control should be continuously maintained over all licensed poppy cultivation, the cultivation licensed should be restricted to as compact an area as is possible and scattered poppy cultivation in small patches and in remote and inaccessible villages should be avoided.

D. Departmental cases.

51. The general position is as stated in paragraph 203 of Volume I. Petty departmental breaches of a license should not as a rule be prosecuted but dealt with under rule (44) (26) of Notification No. 3208-C., dated the 19th June 1933. There is no analogous section in the Opium Act to Section 47 of the Excise Regulation but any breach of the license conditions renders the license liable to be cancelled or revoked by the Local Excise Authority [Rule (44) (26) framed under Section 5 Opium Act]. As an alternative the Local Excise Authority can under the same rule accept such sum, not exceeding Rs. 200 as he may think proper by way of composition.

The procedure to be followed in dealing with departmental cases is as given in paragraphs 203 to 206 of the Excise Manual Volume I.

CHAPTER VI

APPEALS AND REVISIONS, DISPOSAL OF THINGS CONFISCATED AND
REWARDS

Section 13

A—Appeal and Revision

52 (1) (a) An appeal shall lie from an original or appellate order of an Excise Officer as follows —

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(1) to the Excise Commissioner when the order is passed by the Local Excise Authority

(2) to the Agent to the Governor General in Central India when the order is made by the Excise Commissioner in Central India

(b) Every memorandum of appeal must be presented within one month from the date of the order appealed against

(c) Every memorandum of appeal shall be accompanied by the order appealed against in original or by an authenticated copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority

(d) The Agent to the Governor General in Central India or the Excise Commissioner in Central India may revise any order passed by an officer subordinate to him under these rules

B—Disposal of things confiscated

(2) All articles confiscated under the provisions of the Opium Act 1878 shall as soon as the period of appeal has expired without

by the officer ordering the confiscation and the sale proceeds shall be credited to the Indore Residency Civil Area Fund in the case of articles confiscated in the Indore Residency Civil Area and to the Cantonment Fund in other cases

(3) Raw opium or morphine confiscated shall as soon as the period of appeal has expired without an appeal being filed or on the order of confiscation being confirmed by the appellate court in cases in which an appeal is filed be sent to the Local Excise Authority for disposal

(4) Poppy heads shall on confiscation and after the period of appeal be destroyed by the trying Magistrate

(5) If in any case the estimated value of opium confiscated be less than Rs 10 it shall be destroyed under the orders of the officer ordering the confiscation. In all other cases the opium confiscated shall be forwarded by the Local Excise Authority to the Excise Commissioner in Central India Indore

(6) In cases in which the quantity of opium confiscated is less than one seer, or in which the opium in his opinion is unfit for use, the Excise Commissioner will cause it to be immediately destroyed. In all other cases he will forward it to the Superintendent of the Opium Factory at Ghazipur or to the officer in charge Opium Factory at Neemuch.

(7) The Excise Commissioner will arrange for the chemical examination of confiscated morphine and, if reported fit for use, for its disposal either by sale to a person licensed to deal in the same or by use in a Government or charitable medical institution. If in any case the confiscated morphine is not fit for use, the Excise Commissioner shall cause it to be destroyed.

C.—Rewards.

(8) The Excise Commissioner may grant in any case a reward upto an amount not exceeding Rs. 250 to any person who gives information likely to lead to the detection of an offence under the Opium Act, although no judicial proceedings be taken in connection with such information or no person be convicted of any offence in connection therewith.

(9) In cases in which criminal proceedings have been instituted the Excise Commissioner may, on conviction of an offender, grant a reward not exceeding Rs. 250, without regard to the amount of fine imposed or realised.

(10) Any reward payable to an informer may be disbursed on the certificate of the disbursing officer, without requiring the attendance of the payee.

CHAPTER VII

APPLICATION OF THE OPIUM ACT AND THE RULES MADE THERE-
UNDER TO THE RAILWAY LANDS IN CENTRAL INDIA*A—Introductory*

53 The Opium Act, as amended by the Dangerous Drugs Act has been made applicable to the Railway lands in Central India and Rajputana by the order of the Governor General in Council issued under Foreign and Political Department Notification No 416 I, dated the 1st August 1932. The object of the Government of India in making these laws applicable to Railway lands in State territories is not fiscal but solely preventive, as explained in paragraph 257 (Chapter XIX) of Volume I of the Manual. Accordingly no vendis for the retail sale of opium have been allowed in the jurisdiction of Railway lands and the cultivation and manufacture of opium in such areas is also prohibited. In order to give effect to this policy the following amendments have been made to certain Sections of the Act when making it applicable to the Railway lands

Section of
Opium Act

Amendment

- 5 (1) In section 5 after the proviso, the following additional provision shall be inserted, namely:—
- provided further that nothing in section 4 or section 5 shall be deemed to prohibit the import export or transport of opium which is
- (a) declared as such to the Railway authorities and carried in their custody and not in that of a passenger or
 - (b) in transit to a place in Central India Gwalior or Rajputana or to the Hyderabad State or
 - (c) (i) accompanied by a pass granted by
 - (i) a Political Officer in Central India Gwalior or Rajputana
 - (ii) any other officer specially empowered by the Local Government in this behalf,
 - (iii) an officer empowered under the law of the State or other area of destination to issue such passes authorising conveyance by the most direct route and within a period specified therein from a place specified therein to a place similarly specified and within the State or area for the import into which of opium the officer granting it is empowered to grant passes and
- (2) carried in accordance with the provisions of the Act

Section of
Opium Act.

Amendment.

- 7 (2) In Section 7 after the brackets, letter and words "(b) cancel any such order" the following proviso shall be inserted, namely :—

"provided that no warehouse shall be established or licensed in any lands surrounded in whole or in part by State territory."

- 25 (3) After Section 25 the following section shall be added namely :—

" 26. The Central India, Gwalior and Rajputana Excise Law, 1922, in so far as it relates to opium, is hereby repealed."

B.—Areas comprising the Railway Lands in Central India.

54. The areas comprising the Railway Lands in Central India are described in paragraph 260 of Volume I of the Manual.

55. In the case of the Railway lands lying in British India and described in paragraph 260 (brackets) of Manual Volume I, the provinces of British India concerned have accepted the limit of individual possession of opium as determined under the Central India opium rules (*vide* Central India Agency Notification No. 3227-C., dated the 19th June 1933).

In all other respects the Opium Act and such other local Acts and the rules made under them by the Local British administration through which the Railway runs have been made applicable to such areas under Foreign and Political Department Notification No. 876-7-13, dated the 13th March 1921.

C.—Government Notifications and rules made under the Opium Act.

56. Rules regulating the import, export or transport, possession and sale of opium in the Railway Lands in Central India.

Section 5.

Notifn.
No. 3227-C.,
d. 19-6-33.

(i) subject to the proviso contained in that Section, to prohibit in the Railway Lands in Central India the import, export or transport, possession and sale of opium or medicinal drugs containing opium,

(ii) for the purposes of sub-proviso (c)(ii) of that section to empower :—

(a) the Excise Commissioner in Central India or the Deputy Opium Agent in Malwa, or a gazetted officer authorised by him to grant passes for the import, export or transport of opium and medicinal drugs containing opium,

(b) the Opium Purchasing Officer and the Joint Opium Officer, Malwa States to grant passes for the import, export or transport of opium,

(c) the Executive Officer at Mhow, the Judicial Officer at Nee-much and the Assistant to the Political Agent in Bundelkhand at Nowgong, who are in charge of the Excise Departments of the above places, to grant passes for the import

and transport into and within the areas under their jurisdiction of opium and medicinal drugs containing opium, and

- (iii) to prescribe the following as the maximum quantities in respect of opium, poppy heads to the import, transport, export, or possession of which the foregoing prohibition shall not extend, viz —

- (a) opium to the extent of 3 tolas,
(b) poppy heads to the extent of 1 seer,

'Poppy heads means the capsules of the poppy plant (*papaver somniferum*) which have not been lanced and from which the juice has not been extracted

57 Rules regulating the import, transport and export of opium into the Railway Lands in Central India by inland post —

Section 5

- (a) Only the parcel post shall be used and the parcel shall be insured

Notifi-
No 3228 C,
d 19 6 33

(b) The parcel shall be covered by a permit which shall, in the case of transmission to any railway land in Central India to which the Act applies, be issued by the Local Excise Authority and in all other cases by the proper authority in the province or other area to which the parcel is addressed

(c) The parcel shall be accompanied by a declaration showing the names of the consignee and the consignor, the contents of the parcel in detail, the permit number and date covering the transmission and the numbers of the licenses held by the consignor and by the consignee if any

(d) The consignor and the consignee if he is a licensee, shall show distinctly in their account books the names of the consignee and the consignor, respectively, and the quantities of opium and medicinal drugs containing opium transmitted by and to them from time to time by post

58 Powers delegated to the Excise and Police Officers and the Officers of the Opium Contraband Department to be exercised by them within the Railway limits in Central India

Section 14

(a) All Police Officers of and above the rank of Head Constables, all officers of the Excise Department of and above the rank of Sub-Inspectors and all officers of the Rajputana and Central India Opium Contraband Department of and above the rank of Jamadars, are authorised to exercise all or any of the powers under Section 11

Notifi-
No 3230 C
d 19 6 33

Section 19

(b) (1) The Director, Rajputana and Central India Opium Contraband Department, Ajmer,

(2) The Excise and Opium Commissioner in Central India, Indore, and

Notifi-
No 3231 C,
d 19 6 33

(3) Railway Magistrates having the powers to try opium or excise cases within their own jurisdiction are authorised to issue warrants for arrest and search as provided under Section 19.

59. Rules regulating the disposal of confiscated articles and the grant of rewards.

Section 13.

Notifn.
No. 3229-C.,
d. 19-6-33.

(1) All articles confiscated under the Act except opium and medicinal drugs containing opium shall, as soon as the period of appeal has expired without an appeal being filed, or on the order of confiscation being confirmed by the appellate court in cases in which an appeal is filed, be disposed of by public auction by such officer as shall in each case be specified by the officer ordering the confiscation, and the officer ordering the confiscation shall be responsible for the credit of the sale proceeds to Government under the head "Excise".

(2) (i) Opium and medicinal drugs containing opium so confiscated shall, as soon as the period of appeal has expired without an appeal being filed, or on the order of confiscation being confirmed by the appellate court in cases in which an appeal is filed, be sent to the Excise and Opium Commissioner in Central India, Indore.

(ii) If in any case the quantity of opium confiscated is less than one seer and the opium is in his opinion unfit for use, the Excise Commissioner will cause it to be immediately destroyed. In all other cases he will forward it to the Superintendent of Opium Factory at Ghazipur or to the officer in charge Opium Factory at Neemuch for disposal.

(3) On the receipt of an application or of his own motion, the Director, Rajputana and Central India Opium Contraband Department, Ajmer, or the Excise Commissioner in Central India may, within the limits of his budget allotment, grant such reward as he may think fit to any person who has contributed to securing a conviction or confiscation under the Act or who has otherwise rendered material assistance in the enforcement of the Act, and may, for the purpose of determining what should be so granted, call for and examine the record of any case tried or investigated under the Act. Officers of Government, other than gazetted officers, are eligible for rewards.

NOTE.—Before the creation of the Opium Contraband Department the annual grant for rewards in Excise as well as opium cases was placed at the disposal of the Excise Commissioner in Central India who sanctioned rewards within such budget allotment, but since the creation of the Opium Contraband Department in 1926 the budget grant in Central India for rewards was reduced and only a small provision was retained for the grant of rewards by the Excise Commissioner in excise cases including opium cases detected in the Administered Areas and in excise cases other than opium cases detected in the Railway lands. The Government of India then included the amount relinquished by the Excise Commissioner in Central India in the budget of the Director, Opium Contraband Department who thereafter has sanctioned all rewards in opium cases detected in the Railway lands in Central India.

CHAPTER VIII

APPENDICES AND FORMS.

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APPENDIX A

Scheme for the appointment and maintenance of a Joint Opium Officer

The States of Dewas (Junior Branch), Jaora, Rutlam, Sitaman, Sarjana Piproda, Tonk, Jhalawar and Partabgarh will combine with each other and with such States (if any) in Central India and Rajputana as may be admitted to the scheme to employ a deputed officer of the United Provinces Opium Department (hereinafter called the 'Opium Officer'), with a suitable establishment for the purposes of (a) advising the States regarding and supervising generally, the operations connected with the production of opium for supply to Government, and (b) taking delivery on behalf of the States of the opium produced by cultivators and despatching the same to the Ghazipur Opium Factory.

Provided that the yearly cost of the said officer and establishment (not including initial expenditure on account of tents, appliances, etc.) shall not without the previous concurrence of all the contributors exceed Rs 32,000 per annum.

2 (a) To meet yearly cost of the Opium Officer and his establishment each State will contribute at the rate of 3 annas per seer of opium at 70° consistency delivered to Government. The balance of cost will be contributed by Government.

(b) The contribution payable as above by each State will be deducted from the final payment made in each year by Government to the State on account of the opium delivered to Government in that year.

(c) Government will pay to the Opium Officer quarterly in advance commencing on the 1st July in each working year, a sum of Rs 8,000. All such sums will be credited by the Opium Officer to an account entitled 'Malwa States Joint Opium Establishment Account', against which the Opium Officer will draw by cheque the sums required by him from time to time for the salaries, allowances and contingencies of himself and his establishment. At the close of each year (ending on June 30th) this account will be balanced, any excess of the total quarterly contributions by Government over the total expenditure of the year will be paid by the Opium Officer into the nearest Government Treasury, and any deficiency will be made up by a supplementary payment by Government to the Opium Officer, provided the excess expenditure has been duly authorized.

3 (a) Certain States have contributed the sum of Rs 3,601 5 0 on account of initial expenditure on office furniture, weighing appliances, tents etc. On the admission to the scheme of any other State, it will be required to contribute its share of the initial expenditure, and the sum thus paid will be credited to the States by which the amount was contributed in the proportions in which it was actually contributed. The amount to be paid on admission

to the scheme will bear to the whole the same ratio that the quantity of opium which the State undertakes to produce annually bears to the total quantity of opium that all the participating States undertake to produce annually.

(b) In the event of a State withdrawing from the scheme, it shall not be entitled to withdraw the sum contributed by it towards initial expenditure, but shall be entitled to receive any sums subsequently falling due to it under clause (a) of this paragraph.

4. The Opium Officer will receive the pay (including Overseas pay and Passage pay in the case of an officer entitled to the same) and concessions to which he would from time to time have been entitled if he had remained in British India, together with a Special pay of Rs. 200 per mensem and travelling allowance on the scale permissible under the Fundamental Rules to officers of the same grade performing similar duties in British India. The contributions due to Government on account of his leave and pensionary contribution will also be paid from the Malwa States Joint Opium Establishment Account.

5. The appointment, punishment and dismissal of the Opium Officer's establishment and the determination of their numbers, salaries and allowances shall rest with the Opium Officer, provided—

(a) that the scale of expenditure mentioned in paragraph 1 shall not be exceeded without the previous sanction of all the contributors to the scheme, and that even within that limit it shall be the duty of the Opium Officer to practise such economy as may be compatible with reasonable efficiency ;

(b) that the Opium Officer shall, before the commencement of each year, draw up a budget, and submit copies thereof for the information of all the States concerned and of Government, to whom any change in the budget that may subsequently prove to be necessary shall also be communicated without delay.

6. The Opium Officer will be responsible for maintaining accounts and vouchers and for preparing pay bills, contingent bills and travelling allowance bills in accordance generally with the principles and instructions laid down in the Civil Account Code. He will be allowed an imprest for contingent expenditure of Rs. 250. At the end of each account year ending on the 30th June, his accounts shall be audited by a State official nominated in the first instance by the State whose contribution to the fund is the largest, thereafter by the State paying the second largest contribution, and so on until each State has exercised the right of nomination. A copy of the auditor's report shall be supplied to each participating State. The accounts shall also be submitted by the Opium Officer to the Excise Commissioner for Central India at the end of each year.

7 Not later than 1st September in each year, each State shall cause to be prepared and furnished to the Opium Officer, through the Chief Administrative Officer of the State (hereinafter referred to as the Dewan), a preliminary list showing the names of the villages in which opium is to be cultivated and the area likely to be cultivated in each.

In the case of any State that desires to receive from Government an advance for the purpose of paying advances to its cultivators the list shall also show the uniform amount per acre or bigha to be paid in advance and the estimated total amount to be advanced in each village. Within ten days of the receipt of each such list the Opium Officer shall either inform the Dewan that he has no altera-

uggested altera-

If the Dewan

within ten days

of the receipt by him of the list inform the Opium Officer and afford him an early opportunity of discussing the matter orally with him. The Opium Officer shall then either withdraw his suggestion or discuss it orally with the Dewan whose orders passed after such discussion shall be final.

8 Thereafter each State shall arrange for the distribution of licenses to its cultivators arrangements being made to secure that each cultivator shall receive his license at a date early enough to enable him to arrange for the cultivation of opium. Each license shall contain the following particulars —

Name of village,

Serial number of licensed cultivator,

Name and description of cultivator

Khasra numbers of field licensed

Area licensed in each field

In the case of any State that receives from Government an advance for the purpose of paying advances to its cultivators the advance payable to each cultivator shall be endorsed on his license and delivered to him at the same time as his license.

9 Not later than the 1st November in each year each State shall cause to be furnished through the Dewan to the Opium Officer, a list by villages of the licenses actually issued showing the serial number of each licensed cultivator the name and description of the cultivator the khasra numbers of the fields included in his license the area licensed in each field and in the case of any State that receives from Government an advance for the purpose of paying advances to its cultivators the amount of advance paid to each cultivator. This list should contain blank columns for the following entries

112 —

Area actually cultivated

Estimated produce (in seers and chitaks at 70° consistency)

Weight of produce actually delivered (in seers and chitaks).

Class of opium delivered.

Consistency of produce actually delivered.

Equivalent at 70° consistency (in seers and chitaks.)

	Rs. A. P.		
Rate payable per seer at 70° consistency
Price of opium delivered at above rate
Deduction or/and penalty for oil
Opium advances recoverable
*Other State dues recoverable
Balance due to cultivator
Remarks

Care should be taken to provide in each column sufficient space for the entry to be made in it.

10. This list mentioned in paragraph 9 shall be returned by the 10th December to the Dewan, who will cause to be entered in the column provided for the purpose the area actually cultivated by each licensee and will again send the list to the Opium Officer by the 5th January. The Opium Officer will return it by 1st February to the Dewan. The Dewan will cause to be entered in the columns provided for the purpose the estimated produce of each holding (based on estimates supplied by the patel and patwari) and the amount of opium advances and other State dues (if any) recoverable from each licensee, and will send it back to the Opium Officer by the 15th March.

NOTE.—The estimate of produce will be for the entire holding included in each cultivator's license, and not for each separate field if more than one field is included in a license.

11. Between the date on which the seed begins to germinate and the end of the extraction of opium by the cultivators, the Joint Opium Officer may do such touring in the States as may be necessary for the purpose of instructing cultivators in the extraction of opium without oil and of assisting the States to secure the efficiency of their arrangements for the control of the crop and the estimation of the produce. The Joint Opium Officer will arrange his tours in consultation with the States and will not, excepting at the express request of the Darbar, do more touring in any State than is in his opinion absolutely necessary for the purposes mentioned above.

The Opium Officer will maintain a brief tour diary, showing the names of the villages visited by him, and the condition of the crop in each village and also in each holding which he has occasion to note as differing appreciably from the average for the village, and including any other information likely to be useful to the States, and

* In States which desire to recover such dues from the sums payable for opium to cultivators.

any suggestions (e.g., regarding the possibilities of improving opium cultivation by deepening wells or otherwise) which can usefully be brought in this form to the notice of the States. He will furnish to each State that desires it an extract from the same relating to his tour in the State.

12 The Opium Officer will furnish to each Dewan at the commencement of the touring season a tour programme showing approximately the dates between which he proposes to tour in each State. In the event of any Dewan representing that the dates proposed for touring in his State are for any reason inconvenient the Opium Officer will modify the same so far as is possible without sacrifice of efficiency or of the general convenience or interest. At least ten days before he enters each State he will furnish the Dewan with a revised detailed programme of his tour in the State. The Dewan will then either by deputing a State official to accompany him during his tour or in such other manner as he deems suitable arrange to secure for the Opium Officer the necessary supplies and the attendance of patwaris and patels if required.

13 Excepting with the previous permission in writing of the Dewan no member of the Opium Officer's establishment shall be permitted to tour in any State otherwise than in the actual company, of the Opium Officer or shall be deputed to make any local inquiry in any State.

14 As the Opium Officer will not be able to visit each holding or even each village during each touring season patels and patwaris shall also be required to report to the Revenue Department any unauthorised opium cultivation, any shortage or excess of licensed opium cultivation, and any unusual vicissitudes likely to effect the output.

Officers of the Revenue Department will also be required—

- (a) to check 10 per cent of the licensed opium cultivation in each village reporting any discrepancies at once to the Revenue Department,
- (b) to take immediate steps to verify the information contained in special reports by patels and patwaris about opium matters and to report the result to the Revenue Department
- (c) to make such other local inquiries (if any) as the Opium Officer may specially request them to make and to report the result to the Revenue Department.

(NOTE.—Every such request will be made by the Opium Officer through the Dewan excepting in cases in which the loss of time involved in making it through the Dewan would defeat the purpose of the proposed inquiry. In such cases request may be addressed direct to the officers of the Revenue Department a copy of every such request being simultaneously forwarded to the Dewan for his information.)

Copies or summaries of all reports received in pursuance of this paragraph shall be forwarded, as early as possible, through the Dewan to the Opium Officer.

15. The copies or summaries of the reports mentioned in the previous paragraph and the lists mentioned in paragraphs 7 and 9 may be either in English, in Urdu or in Nagri, at the option of each State. If equally convenient to the States, it will be most convenient to the Opium Officer that the lists should be in English. If areas are expressed otherwise than in acres and fractions thereof, the Opium Officer should be informed of the dimensions of the units of measurement employed. Weights should be expressed in Bengal maunds, seers and chitaks, and all sums of money in British currency.

16. As soon as the collection of the opium crop is complete, the Opium Officer will attend the various centres fixed for "weighment" in order to take delivery of the opium and to despatch it to Ghazipur.

The centres fixed for weighment are—

Ratlam for Ratlam.

Jaora for Jaora, except the Malhargarh and Sanjit Parganas.
and the Ringnod Pargana of Dewas (Junior Branch).

Malhargarh for the Malhargarh and Sanjit Parganas of Jaora.

Sailana for Sailana.

Nimbahera for Tonk.

Sitamau for Sitamau.

Piploda for Piploda.

Partabgarh for Partabgarh.

Pachpahar and Chau Mahla for Jhalawar.

At each of these centres suitable residential accommodation for the Opium Officer and his staff (*e.g.*, an Inspection bungalow) and weighment accommodation (*e.g.*, a shed about 50' × 25' for the purpose of actual weighments and a room about 20' × 20' for the custody of opium awaiting despatch) will be provided.

Each State will also provide such accommodation (in *sarais* or otherwise) as it may deem suitable for cultivators attending weighments and spending a night at the weighment centre.

17. As early as possible in each year the Opium Officer will inform each Dewan of the dates on which he proposes to effect weighments at each centre, and of the approximate number of cultivators whose produce he will be able to handle daily. The Dewan will thereupon arrange for the attendance at the weighment centre of each cultivator (or his representative) and for the delivery of his produce. As far as possible, it will be arranged that the produce of each village shall be delivered in the order in which that village appears in the list mentioned in paragraph 9 and that the produce

of each cultivator shall be delivered in the order in which his name appears in that list, his license being (if possible) produced at the same time in order to avoid any mistake regarding the identity of the cultivator to whom each batch of opium belongs. The produce of each cultivator should be delivered separately from that of other cultivators, whether by himself or by the patel or other representative and should be labelled with the name of the village, the serial number of the license and the cultivator's name.

18 After examining and weighing the produce of each cultivator the Opium Officer will cause to be endorsed on his license the following account viz:—

- Quantity of opium produced
- Class of opium produced,
- Consistency of opium produced
- Equivalent of above at 70°,
- Rate payable per seer at 70°
- Price of opium at above rate
- Deductions and/or penalty for oil
- Opium advances recoverable
- *Other States dues recoverable,
- Balance due to cultivator,

and shall sign and date the entry and return the license to the cultivator

19 The Dewan will arrange for the payment to cultivators of the sums due for opium delivered by them. For this purpose he shall either—

- (a) arrange for the payment to each cultivator or his representative presenting the account mentioned in paragraph 18 of the amount shown therein as due such payment to be made in his own actual presence or in that of the Chief Judicial Officer of the State and on the same day on which the statement of account is presented, provided that it is presented on the date of issue or on the next following day, or
- (b) if prevented from arranging as above depute a State official to make payment in the presence of the Opium Officer at the time of weighing.

20 As weightments progress the Opium Officer will enter in the copy of the list furnished to him under paragraph 9 the particulars mentioned in paragraph 18. In cases in which payment is made in the presence of the Opium Officer, the amount paid to the cultivator shall also be recorded by the Opium Officer both in this list and on the license.

* In States which desire to recover such dues from the sums payable for opium to cultivators

This list will at all times during weighment be available for inspection by the Dewan or his nominee between the completion of weighments on one day and their commencement on the next, and will be given by the Opium Officer to the Dewan as soon as the season's weighments for the State are completed.

21. The Dewan will arrange for the provision of—

- (a) such guards, escorts and lighting as may be necessary to secure the safety of the opium while under weighment, awaiting despatch to the Railway Station or in transit to the Station ;
- (b) such transport as may be needed for its conveyance to the Station (including motor or horsed transport for the purpose of conveying the Opium Officer to and from the Station on his arrival or departure, or in order to supervise the loading of consignments and also the transport necessary for conveying weighment material and appliances from and to the Station) ;
- (c) such clerical staff and labour (other than that of the Opium Officer's permanent establishment) and such materials (other than bags, labels, seals and sealing wax) as may be needed in connection with the examination, weighment, packing and despatch of opium.

The Opium Officer will keep the Dewan or his representative informed, as long beforehand as possible, of his requirements in respect of clauses (b) and (c).

The Opium Officer will arrange with the Ghazipur Opium Factory for the supply of, and will be responsible to the Factory for, all bags and other materials and appliances supplied by the Factory.

22. Any State that desires to do so may associate a State official with the Opium Officer at the time of weighment, in order to assist him in allaying any misunderstandings or suspicions that may arise on the part of cultivators or others.

23. The Opium Officer will be responsible for the packing of the opium, for seeing it properly loaded at the Railway Station in the presence of the escort deputed by Government to accompany it by rail and for taking the escort's acknowledgment of the same, and for the despatch to the Ghazipur Opium Factory of all necessary invoices, chalans and other papers relating to the same. As soon as he receives the returns showing the particulars and value of each consignment as determined by the Ghazipur Opium Factory, he will communicate the same to the Dewans of the States concerned.

24. As soon as possible after the completion of weighments, the Opium Officer will furnish each State with a brief report containing any suggestions that his experience of the year's working may cause to appear desirable regarding the inclusion in, or exclusion

from, the next year's operations of particular villages or cultivators, regarding measures for the improvement of the outturn, for preventing the illicit retention of produce by cultivators, and generally for promoting the smooth and efficient working of the department

In addition to this and to the submission of extracts from his tour diary to such States as desire the same, he will at all times report promptly to the Dewan any matter, that comes to his notice as affecting the working of the department and as requiring the early attention of the State

25 Owing to the difficulty of finding suitable house accommodation elsewhere, the Opium Officer will be permitted to make his headquarters at Neemuch

26 The enjoyment by the Opium Officer of casual leave and recess will be governed by the following conditions, viz:—

- (i) that casual* leave shall not exceed in the aggregate, 10 days, in the year
- (ii) that up to that limit the Opium Officer shall be permitted to take casual leave at any time, informing all States of his intention of doing so. Such information will ordinarily be given a few days beforehand, but in urgent cases where this cannot be done without defeating the object of the Opium Officer's absence, it will suffice that it be given by letters posted at the time of his departure,
- (iii) that in addition to casual leave, the Opium Officer shall be permitted between the completion of weighments (*including the receipt from the Factory and the communication to the States of the Factory reports on the opium received*) and the scrutiny of the list of proposed licenses to spend six weeks in recess in the hills or elsewhere within 48 hours of Ratlam, provided—
 - (a) that each of the States shall be informed at least a month beforehand of the date of his intended departure,
 - (b) that before departure the Opium Officer shall dispose of all work that can only be dealt with locally,
 - (c) that he shall make satisfactory arrangements for the forwarding to him and for the despatch by him of correspondence and of routine work,
 - (d) that he shall cut short his recess, in the event of it being necessary to do so, in order to deal with any urgent matter which can only be dealt with locally,

* Over and above the holidays gazetted by Government at Christmas and Dasehra, of which the Opium Officer will be free to avail himself

- (iv) that both casual leave and recess shall be permissible only on the understanding that they do not interfere with the discharge of the Opium Officer's duties or involve additional expense to the States.

27. Government will depute a suitable officer of the Opium Department, approved by the States, as Opium Officer under this agreement, subject to his withdrawal in the event of the scheme being abandoned by all the States or by so many of them as to render the rest no longer desirous of continuing it. In the event of the Opium Officer taking long leave or leave during the period of opium weighments, Government will provide an officer to relieve or replace him, selecting that officer with a view to the special character and difficulties of the appointment. For a short period of leave granted to the Opium Officer, and not taken during the period of opium weighments, arrangements will be made locally to carry on his duties.

APPENDIX B

Exemptions under section 5 of Opium Act (I of 1878)

vern
notifi
No
III 26,
March
31

The preparations and articles specified in the schedule below may be possessed, transported, imported and exported without restriction —

SCHEDULE

- 1 Brompton Consumption and Cough Specific
- 2 Mistura Pepinae Composita c Bismutho
- 3 Linctus Opiatus
- 4 Lotia Plumbic Opio
- 5 Mistura Scillac Co
- 6 Syrupus Camphorae Co
- 7 Tinctura Anti periodica
- 8 Pulv Ipecac Co , or Dovers' Powder
- 9 Ung Galliac Opio
- 10 Enteronol or Choleral
- 11 A specific containing opium for cholera, diarrhoea and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such
- 12 Cotarnine.
- 13 Chamberlain's Colic and Diarrhoea remedy
- 14 Codeina and its preparations and salts

APPENDIX C.

*Forms, Registers and Returns.**(a) Forms of licenses and permits.*

	PAGE.
Form O. I. License for the retail sale of opium ..	58—60
„ O. II. Druggist's license. ..	60—61
„ O. III. Opium shop pass book. ..	62

(b) Registers and Forms prescribed by Central India Agency Notification No. 3210-C., dated the 19th June 1933, for themaintenance of accounts at the Opium Bonded Warehouse of the Indore Civil Area.

Opium Form A. Export or Import Pass ..	64—66
„ B. Indent for the supply of opium ..	67
„ C. Letter form for the despatch of the Railway receipt and the opium consignment ..	68—69
„ D. Bill for the supply of opium ..	69
„ E. Money receipt to be issued to the opium purchasing States ..	70
Opium Form No. 1. Register showing receipts of opium in the Indore Residency Warehouse ..	71
„ No. 2. Register showing issues of opium to States ..	71
„ No. 3. Register showing receipts and issues of opium for Administered Areas in Central India. ..	72
„ No. 4. Opium stock Register ..	72
„ No. 5. Register of monthly issues of opium to States ..	73
„ No. 6. Opium Cash Register ..	73
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(c) Register and forms to be maintained at the bonded warehouses of Nowgong, Mhow and Neemuch Cantonments.

Form F. Challan of Excise Revenue paid into the Treasury ..	75
„ G. Opium stock Register ..	76
„ H. Statement showing the return of opium stock at Warehouses ..	77

8. The licensee shall sell no opium but such as he may purchase from the Government warehouse and shall not receive or have in his possession opium obtained otherwise. All opium issued to him from the warehouse shall be in complete seers and shall, after entry in the shop pass-book of the quantity of opium purchased and of the time allowed for transport to the shop, be taken to the shop for which the pass is granted (and not to any other shop or place) and shall also be taken to the said shop within the time allowed in the pass book.

9. The licensee shall not sell to any one person in one day opium in greater quantity than three tolas. Provided that he may, with the Local Excise Authority's permission in writing, sell pure opium in greater quantities than 3 tolas to an approved practitioner, or a licensed druggist or a pass-holder but only in such quantities as such approved practitioner or druggist or a pass-holder may be entitled to possess.

10. Sales must be conducted in a building of which the whole or part must be entirely set aside for use as a shop. The sale-room shall be suitably constructed and lighted, as may be required by the Local Excise Authority and the interior thereof, where sales are effected, shall be visible from the doorway. The shop shall not be used for any other purpose than that for which it is licensed. If there are means of communication between the shop and an adjoining dwelling-house, such must be locked at night.

11. The licensee shall not permit the consumption of opium in any form in his shop or on any other premises in his occupation.

12. The licensee shall not adulterate or mix any foreign substance with the opium sold by him.

13. Only such weights as may from time to time be prescribed by the Excise Commissioner, and correct scales of such pattern as shall be approved by the Local Excise Authority, shall be used on any licensed premises. The possession of other weights or scales on any licensed premises, or the giving of short weight shall be considered a breach of the license.

14. No opium shall be sold or given—

(1) to European soldiers or to the members of their families without the written permission of the General Officer Commanding the Division or the independent Brigade or the Officer Commanding the Cantonment or Camp ;

(2) to persons under the age of 14 years ;

(3) to any Railway servant, Police or Excise officer below the rank of Sub-Inspector when on duty or in uniform, European vagrant under Police custody, and insane person or person known or believed to be intoxicated.

15. Sales shall be made on payment in cash only and that nothing except money shall be taken in barter for opium.

16. Opium shall not be sold below such minimum and above such maximum price, if any, as is or may from time to time be fixed by the Local Excise Authority for the sale of the same.

17. There shall be affixed to the front of each shop a signboard, painted in the local vernacular, showing the nature of the license under which sales are conducted, the name of the licensee and the current rate of sale.

18. The licensee shall keep up in ink a daily true account in the prescribed form showing the receipts and sales of opium each day and the balance in stock.

19. The licensee shall at once produce his license and accounts for inspection on the demand of any officer of any of the departments of Excise or Police not below the rank of Sub-Inspector empowered under section 14 of the Opium Act, 1878, and he shall not prevent any such officer from entering into his premises at any hour of the day or night.

20. On the infringement of any of the above conditions, or of any of the conditions imposed by the Opium Act or by the rules made thereunder, or of any executive orders or instructions made or issued from time to time under the said rules, or if there be reason

to believe that the licensee either himself smuggles or connives at smuggling of opium, or if the licensee be convicted under the Excise or Opium Laws, or of any cognizable and non bailable offence, the license may be cancelled by the Local Excise Authority. The licensee shall have no claims to any compensation whatsoever or to refund of any license fees already paid, but it shall be in the discretion of the Local Excise Authority to make such compensation or refund as he may consider necessary or desirable.

21. Any loss caused to the Government in consequence of the recall of this license for any of the causes specified in condition 20 shall be recoverable from the ex licensee, but
 bound to pay such penalty.

22. The license may be surrendered by the licensee holder on his giving one month's notice to the Local Excise Authority and paying such fine not exceeding the amount of fee for six months or the loss caused to Government by failure to carry out any conditions imposed as the Local Excise Authority may adjudge. Should the Local Excise Authority be satisfied that the reasons for resigning the license is adequate, he may, with the sanction of the Excise Commissioner, remit the fine.

23. All moneys falling due to Government under any of the conditions of this license shall be recoverable as if they were arrears of land revenue.

Local Excise Authority,

Dated 195 .

Cantonment.

Counterpart

I, the above mentioned licensee do hereby accept the foregoing conditions

Signature.

Date

Signature of witness

Form No O II

Druggist's License.

License is granted to following the profession
 of at in the Canton-
 ment of for the retail sale of opium, medicinal drugs containing
 opium, poppy heads for medicinal purposes only, on the following conditions —

- (1) The licensee shall pay to Government in advance a fee of Re 1 for the year ending the 19 or for any broken period thereof
- (2) The licensee shall not have in his possession at any one time more than one seer of opium and ten seers of poppy heads
- (3) All opium or poppy heads shall be procured from Government or a licensed vendor
- (4) The licensee shall procure his stock of medicinal drugs containing opium either by importing them or by preparing them himself from the opium he is allowed to possess.

- (5) The licensee shall maintain proper and true accounts showing the quantities of opium, preparations of opium and poppy heads in his possession from day to day and shall submit to the office of the Local Excise Authority a monthly abstract of such accounts in the appended form.
- (6) The licensee shall not sell any opium or poppy heads for any purpose other than a medicinal purpose, nor shall he sell opium or poppy heads to any one person in one day in quantities exceeding those which such person is authorised under the rules made under the Opium Act, 1878, to possess.
- (7) The licensee shall be bound by all the provisions of the Opium Rules and by all executive orders and instructions made or issued from time to time under such rules as are applicable to a licensed druggist.
- (8) The license may be withdrawn at any time at the discretion of the Local Excise Authority.

Local Excise Authority.

Dated

19 .

Cantonment.

Form of Account.

Balance in hand at the commencement of the month.	Procured during the month.			Sold during the month.	Balance at the end of the month.	Remarks.
	From Government.	From licensed vendors.	By importation.			
1	2	3	4	5	6	7
Opium						
Opium powder ..						
Opium preparations						
Poppy heads ..						

Counterpart.

I, , the above mentioned licensee, do hereby accept the foregoing conditions.

Signature

Date

Signature of witness

10/11/12

FORM NO. O. III.

Shop Pass book.

Name of shop

Name of vendor

Date	Quantity of opium purchased.	Price paid.	Time and route allow- ed for removal of opium to shop.	Name of person in charge of consign- ment.	Signature of officer issuing opium.
1	2	3	4	5	6

FORM A.

Serial No.

Duplicate.

Counterfoil.

In cases where the countersignature of the Political Agent is required to the State of import is required, the duplicate, triplicate and quadruplicate will be forwarded by the issuing officer to the Political Agent, by whom the duplicate will be retained, the triplicate sent direct to the warehouse or district of export, and the quadruplicate returned, either through the issuing officer or direct by registered post to the person authorised to import, for disposal as indicated in it.

In cases where the countersignature of the Political Agent is not required the duplicate will not be filled up; the triplicate will be sent by the issuing officer direct to the officer in charge of the warehouse or district of export, and the quadruplicate given by the issuing office to the person authorised to import.

(To remain attached to book.)

Political Agency.

State.

Permit for the
import of drugs.

Md. ar ch.

- 1 Description of drug
- 2 Quantity of drug for which permit is granted.
- 3 Name of person authorised to import.
- 4 Warehouse or district from which to be imported.
- 5 Destination of drug
- 6 Route by which to be carried

Political Agency

State

Permit for the
import of drugs.

Md. ar ch.

- 1 Description of drug . ..
- 2 Quantity of drug for which permit is granted
- 3 Name of person authorised to import
- 4 Warehouse or district from which to be imported
- 5 Destination of drug . . .
- 6 Route by which to be carried .

gments.

nts.

Copy only will not protect con

7. Date by which to be exported from warehouse or district of export.

8. Period allowed for arrival at destination.

9. Name of person to be in charge of consignment.

10. Officer by whom arrival of drug to be verified.

11. Address of person authorised to import, if the quadruplicate is to be sent to him direct.

Signature of officer issuing permit.

Official designation

Seal

Date

Countersignature of Political Agent*.

Date

*In any case in which the drugs covered by this permit are to be transported through a British district otherwise than by rail, a copy of this pass shall be sent by the Political Agent by whom it is countersigned, to the officer in charge of that district.

y will not protect consigna

7. Date by which to be exported from warehouse or district of export.

8. Period allowed for arrival at destination.

9. Name of person to be in charge of consignment.

10. Officer by whom arrival of drug to be verified.

Signature of officer issuing permit.

Official designation

Serial No.

Quadruplicate.

This copy of the permit will, in cases where the Political Agent's countersignature is required, be returned by the Political Agent either through the issuing officer or direct by registered post, to the person authorised to import. In cases where the Political Agent's countersignature is not required, it will be given to that person by the issuing officer. It will be presented by the importer or on his behalf to the officer in charge of the warehouses or district of export, by whom it will be returned to the person presenting it after filling up the particulars of the drugs exported. It will be dealt with by him as indicated in note 5. The officer verifying the arrival of the consignment will record in the space provided for the purpose the result of such verification and return the permit to the importer. The importer will be responsible for returning the permit, within three days of the arrival of the consignment, to the officer by whom it was issued.

It must accompany the drugs covered by it in that bulk and subject to the law and rules in regard to such drugs in force in the State or district of export.

It must accompany the drugs covered by it only for the period herein entered in that behalf after the export of the drugs from the warehouse or district of export, and only by the route entered herein, and so long as they are securely packed and sealed, and bulk is not broken in transit.

The route by which the drugs are to be carried will be specified in the permit. It should be the most direct route, and as far as possible, by railway or railway out-agency only.

All drugs consigned under this permit by railway or by railway out-agency, shall be declared and booked as such and carried in the custody of the Railway Company and not in that of a passenger.

If the drugs are sent by rail, they shall be consigned direct to the officer issuing this permit by the person in charge of the consignment, who shall send his copy of the permit by post, under registered cover, to the same officer. If the drugs are not sent by rail, the person in charge of the consignment shall cause them to be conveyed to the office of the officer by whom the arrival of the consignment is to be verified, and there produced before such officer together with his copy of the permit.

All entries relating to weights must be made in terms of Government standard weights, and the person in charge of the consignment will be responsible for seeing in the case of drugs imported from Native States that entries made in the State of export are expressed in terms of Government standard weights.

In the case of drugs imported from British India, all excise duties in force in the exporting district, and in the case of drugs imported from Native States, all export duties or royalties in force in the exporting State, will be payable by the importer to the authorities of such administration or State.

Serial No.

Triplicate.

To be sent (by the Political Agent in cases where his countersignature is required and by this issuing officer in cases where such countersignature is not required) to the officer in charge of the warehouse or district of export, by whom it will be retained.

It will protect the drugs covered by it only for the period herein entered in that behalf after the export of the drugs from the warehouse or district of export, and only by the route entered herein, and so long as they are securely packed and sealed, and bulk is not broken in transit.

The route by which the drugs are to be carried will be specified in the permit. It should be the most direct route, and, as far as possible, by railway or railway out-agency only.

All drugs consigned under this permit by railway or by railway out-agency, shall be declared and booked as such and carried in the custody of the Railway Company, and not in that of a passenger.

If the drugs are sent by rail, they shall be consigned direct to the officer issuing this permit by the person in charge of the consignment, who shall send his copy of the permit by post, under registered cover, to the same officer. If the drugs are not sent by rail, the person in charge of the consignment shall cause them to be conveyed to the office of the officer by whom the arrival of the consignment is to be verified, and there produced before such officer together with his copy of the permit.

All entries relating to weights must be made in terms of Government standard weights, and the person in charge of the consignment will be responsible for seeing in the case of drugs imported from Native States that entries made in the State of export are expressed in terms of Government standard weights.

In the case of drugs imported from British India, all excise duties in force in the exporting district, and in the case of drugs imported from Native States, all export duties or royalties in force in the exporting State, will be payable by the importer to the authorities of such administration or State.

issue of drug from warehouse or district

Number and marks.	Weights.	
	Gross.	Net.
	Md. sr. ch.	Md. sr. ch.
of		
Total ..		

Md. sr. ch.

of outer packing materials
of foregoing packages* are
one or more larger ones.

filled up only in cases
where Ganja is issued from ware-
houses in sealed receptacles of stan-
dard weight.

Date of arrival at destination

Name of officer verifying
arrival with remarks, if any.

Official designation ..

Date of receipt by issuing
officer of importer's portion of
permit after verification of

Date of forwarding to Poli-
tical Agent.

Date of forwarding to ware-
house or district of export by
Political Agent.

Signature of issuing officer.

Date of issue of drug from warehouse or district
of export.

Number and marks.	Weights.	
	Gross.	Net.
	Md. sr. ch.	Md. sr. ch.
Particulars of packages.		
Total ..		

Md. sr. ch.

Weight of outer packing materials
when the foregoing packages* are
enclosed in one or more larger ones.

*To be filled up only in cases
where Ganja is issued from ware-
houses in sealed receptacles of stan-
dard weight.

Date of arrival at destination

Name of officer verifying
arrival with remarks, if any.

Official designation ..

Date of receipt by issuing
officer of importer's portion of
permit after verification of
arrival.

Date of forwarding to Poli-
tical Agent.

Signature of issuing officer.

To be copied from quadruplicate.

FORM B

(To remain attached to book.)

Opium Indent State

(To be submitted on each occasion when opium is required.)

- 1 Name of State.
- 2 Quantity of opium required in maunds and seers
- 3 Name of person authorised to import into the State
- 4 Destination of drug
- 5 Route by which to be carried and means by which to be consigned
- 6 Date by which to be exported from the warehouse of export
- 7 Time allowed for arrival at destination
- 8 Name of person to be in charge of consignment
- 9 Officer by whom arrival of drug to be verified.
- 10 Signature and official designation of officer preparing the indent, with date of signature
- 11 Countersignature of Political Agent with date

M2EOCCI

FORM B.

Duplicate.

(To be forwarded to the Officer in charge of the Indoor Warehouse through the Political Agent.)

(To be submitted on each occasion when opium is required.)

1. Name of State.
- 2 Quantity of opium required in maunds and seers
- 3 Name of person authorised to import into the State
- 4 Destination of drug
- 5 Route by which to be carried and means by which to be consigned
- 6 Date by which to be exported from the warehouse of export
- 7 Time allowed for arrival at destination
- 8 Name of person to be in charge of consignment
- 9 Officer by whom arrival of drug to be verified
- 10 Signature and official designation of officer preparing the indent, with date of signature
- 11 Countersignature of Political Agent with date

FORM C.

Registered Post.

No. of 193 .

From

Deputy Opium Agent in Malwa.

To

The

Dated

the

193

Reference to previous correspondence :—

SIR,

I have the honour to enclose a railway receipt No. , dated the 193 , for the consignment of opium particulars of which are given on the reverse on the enclosed copy of the pass which accompanies the consignment.

2. The railway receipt is also an insurance note for the full value of the opium. The pass authorizing the transit of the consignment was delivered to the railway authorities together with the consignment (as evidenced by the railway receipt) and should be delivered to the consignee along with the consignment. (If it is *not* so delivered, the omission should be noted on the railway receipt before delivery is taken.)

3. Each box is sewn in gunny and secured with wire and a lead seal bearing the impression M.A. M.A.

4. *Before delivery is taken* of any consignment, the consignee or the person taking delivery on his behalf should take all precautions necessary to enable responsibility for loss or damage in transit to be enforced. For instance, the marks on each box, and the condition of each box and of the wire and seals by which it is secured should be carefully examined before delivery is taken. Each box should also be weighed in the presence of the railway authorities and the receipt compared with the gross weight recorded in the accompanying pass or in the letter forwarding the railway receipt or its enclosure if, as sometimes happens, the railway authorities fail to deliver the pass along with the consignment. If there be any reason to suspect that any box has been tampered with or any part of its contents abstracted in transit, delivery should not be taken until the box has been opened and its contents opened and weighed in the presence of a responsible railway official and the result compared with the net weight and number of balls as recorded in the accompanying pass. If the foregoing examination and weighment show that any portion of the contents of any box has been damaged or abstracted, a full note of the facts should be recorded on the railway receipt and thereafter a claim for the loss should be promptly presented to the proper authority of the railway.

5. An account of the cost of opium is enclosed, and the price should please be remitted to me as early as possible.

6. It is requested that the pass accompanying the consignment, with the result of verifying the consignment on arrival endorsed on it may kindly be returned to this office. If, however, in any case the pass is not delivered by the Station Master with the consignment an entry to this effect should be *made in the delivery book* at the time of delivery and the matter reported at once to this office.

I have the honour to be,

SIR,

Your most obedient servant,

Deputy Opium Agent in Malwa.

No of 193

Dated , the 193 .

Copy of above forwarded to the Political Agent for information with reference
to his permit No dated the 193

Deputy Opium Agent in Malwa

[Reverse of Form C]

Particulars of consignment (to be filled up only when no copy of the pass accompanies)

Gross weight

Net Weight

Mds. or ch

Mds. or ch

No of box No of balls

OPIUM FORM No D

BILL No

OF 19

OFFICE OF THE DEPUTY OPIUM AGENT IN MALWA

Dated Indore the

193

Bill for the supply of opium to

Date	Quantity and Description	Rate per maund	Amount
			Rs A P
	Insurance		
	Freight		

Deputy Opium Agent in Malwa

OPIUM FORM No. E.

OFFICE OF THE DEPUTY OPIUM AGENT IN MALWA.

No.

Dated Indore, the

19 .

Received from

with letter No.

, dated the

19

the sum of Rupees.

on account of

maunds

seers of opium supplied, as in Bill No.

dated the

19 .

The money was credited in the cash book on the

19 .

(Entry No.

.)

Rs.

Deputy Opium Agent in Malwa.

OPIMUM FORM No. 1.

Register showing receipts of opium in the Indore Residency Warehouse

Date of Receipt	Verification	Number and date of permit under which received.	From whom received.	Serial number of chests shown in the permit	Serial number allotted in the Warehouse	Quantity of opium.		Initials of verifying officer	Difference between columns 7 and 8.		Purchase price per maund.	Date of issue.	Serial number in Issue Register	Remarks.
						Advised.	Found on Verification		Increase	Decrease				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
						M a ch	M a ch		s ch	s on	Ra.			

OPPIUM FORM No 2

Register showing issues of opium to States from the Indore Residency Warehouse

[illegible]

OPTUM FORM No. 3.

Register showing receipts and issues of opium for Administered Areas in Central India.

Date.	1	2 Balance in hand.	M. s. ch.
	Received.	Serial No. of chest as shown in Opium Form No. 2, column 5. 3 Quantity as shown in Opium Form No. 7, column 7. 4 M. s. ch.	M. s. ch.
	Total of columns 2 and 4.		M. s. ch.
	Issues.		
	9 Administered Area to which issued.	4 Serial No. of chest as shown in column 3.	M. s. ch.
	8 Quantity as shown in column 4 or column 11.	6 Quantity issued.	M. s. ch.
	10 Initials of weighing officer.	11 Balance remaining in chest.	s. ch.
	12 Initials of weighing officer.	13 Dryage [column 8—(columns 9 + 11)].	s. ch.
	14 Average dryage per manud issued.	15 Balance in stock [column 5—(columns 9 + 13)].	M. s. ch.
Remarks.	16		

OPIMUM FORM No. 4.

Opium Stock Register of the Indore Residency Warehouse.

Date.	Balance in stock.	Received as shown in Register 1, column 8.	Issued as shown in Register 2, column 7.	Total issues to date.	Dryage as shown in Register 2, column 11.	Total dry- age to date.	Average dryage per maund issued to date.	Closing balance.	Remarks.
1	2	3	4	5	6	7	8	9	10
	M. s. ch	M. s. ch.	M. s. ch.	M. s. ch.	s. ch.	M. s. ch.	s. ch.	M. s. ch.	

OPIMUM FORM No 6
Register of monthly issues of opium to States from the Indore Residency Warehouse.

Serial No	Name of State	Issues													Remarks
		3 April	4 May	5 June	6 July	7 August	8 September	9 October	10 November	11 December	12 January	13 February	14 March	15 Total	
1	2	M s	M s	M s	M s	M s	M s	M s	M s	M s	M s	M s	M s	15	10

OPIMUM FORM No 6
Register of receipts of payment for opium issued and its disposal

Serial No	Date of receipt	From whom received.	On what account	Amount	Signature of field Clerk	Chalan No & date of credit to Treasury	Signature of authorised sub-ordinate officer	Remarks.
1	2	3	4	5	6	7	8	9
				Rs a p				

OPIMUM FORM No. 7.

Register of open boxes in the warehouse.

N.B.—All issues made from open boxes will also be recorded in the issue Register, Form No. 2.

Serial No. as in the Issue Register.	Date.	Particulars regarding open Box.				Details of Issues made.			Dryage in Chattaks.	Details of addition made.			Closing Balance.		Initials.	Remarks.
		Num- ber of box.	Opening balance.	Price.	Name of Stato to which Issued.	Amount Issued.	No. of box or indent from which addi- tion is made.	Amount added.		Srs.	Chs.	Srs.	Chs.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

FORM G.
Opium Stock Register.

[illegible]

APPENDIX D.

Statement showing the period prescribed for the elimination of records.

Description of record.	Period of retention.
1. Form O. I.—License for the retail sale of opium	1 year.
2. Form O. II.—Druggist's license	Do.
3. Form O. III.—Opium shop pass book	3 years.
4. Form No. C. I. Ex. 41. Export or import pass	Do.
5. Opium Form A.—Permit for the import of opium	Do.
6. Opium Form B.—Indent for the supply of opium	Do.
7. Opium Form C.—Letter form for the despatch of the Railway receipt and consignment	Do.
8. Opium Form D.—Bill for the supply of opium	5 years.
9. Opium Form E.—Money receipt to be issued to the opium purchasing States with counterfoil	6 years.
10. Opium Form No. 1.—Register showing receipts of opium in the Indore Residency area	5 years.
11. Opium Form No. 2.—Register showing issues of opium to States	5 years.
12. Opium Form No. 3.—Register showing receipts and issues of opium for Administered Areas in Central India	5 years.
13. Opium Form No. 4.—Opium stock Register	10 years.
14. Opium Form No. 5. Register of monthly issues of opium to States	5 years.
15. Opium Form No. 6.—Deposit and withdrawal Register	5 years.
16. Opium Form No. 7.—Register of open boxes	5 years.
17. Form F.—Challan of excise revenue paid into the Treasury	3 years.
18. Form G.—Opium stock Register	5 years.
19. Form H.—Statement showing the return of opium stock at warehouses	3 years.
20. Correspondence relating to disposal of stock on the termination of licenses	2 years.
21. Correspondence relating to grant of licenses	3 years.

Description of record	Period of retention
22 Correspondence relating to rewards, confiscations and disposal of opium	3 years
23 Statements of cases of smuggling of opium etc , under the Opium Act	3 years
24 Correspondence relating to Acts and Rules	Permanently
25 Correspondence relating to selling price of, and duty on opium	Do
26 Correspondence relating to forms, licenses, permits and other documents	Do

PART II.

THE DANGEROUS DRUGS ACT AND RULES.

CHAPTER IX.
GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT
THE DANGEROUS DRUGS ACT, 1930 (II OF 1930)

THE DANGEROUS DRUGS ACT AND RULES

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SCHEDULE II.—Amendments of local Acts.

ACT NO II OF 1930

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 1st March, 1930)

An Act to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations

Whereas India participated in the Second International Opium Conference which was convoked in accordance with the resolution of the Assembly of the League of Nations dated the 27th day of September 1923 met at Geneva on the 17th day of November, 1924, and on the 19th day of February, 1925, adopted the Convention relating to Dangerous Drugs (hereinafter referred to as the Geneva Convention),

And whereas India was a State signatory to the said Geneva Convention,

And whereas the Contracting Parties to the said Geneva Convention resolved to take further measures to suppress the contraband traffic in and abuse of Dangerous Drugs, especially those derived from opium Indian hemp and coca leaf, such measures being more particularly set forth in the Articles of the said Geneva Convention,

And whereas for the effective carrying out of the said measures it is expedient that the control of certain operations relating to Dangerous Drugs should be centralised and vested in the Governor General in Council,

And whereas it is also expedient that the penalties for certain offences relating to Dangerous Drugs should be increased, and that all penalties relating to certain operations should be rendered uniform throughout British India,

It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

I (1) This Act may be called the Dangerous Drugs Act, Short title extent and commencement
1930

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “coca leaf” means—

(i) the leaf and young twigs of any coca plant, that is, of the *erythroxylon coca* (Lank.) and the *Erythroxylon novo-granatense* (Hiern.) and their varieties, and of any other species of this genus which the Governor General in Council may, by notification in the Gazette of India, declare to be coca plants for the purposes of this Act; and

(ii) any mixture thereof, with or without neutral materials;

but does not include any preparation containing not more than 0·1 per cent. of cocaine;

(b) “coca derivative” means—

(i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(ii) ecgonine, that is, lævo-ecgonine having the chemical formula $C_9 H_{15} NO_3 H_2 O$, and all the derivatives of lævo-ecgonine from which it can be recovered;

(iii) cocaine, that is, methyl-benzoyal-lævo-ecgonine having the chemical formula $C_{17} H_{21} NO_4$ and its salts; and

(iv) all preparations, officinal and non-officinal, containing more than 0·1 per cent. of cocaine;

(c) “hemp” means—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L.), including all forms known as *bhanga*, *siddhi*, or *ganja*;

(ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport; and

(iii) any mixture, with or without neutral materials, of any of the above forms of hemp or any drink prepared therefrom;

(d) “medicinal hemp” means any extract or tincture of hemp;

(e) “opium” means—

(i) the capsules of the poppy (*Papaver somniferum* L.);

(ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport, and

(iii) any mixture, with or without neutral materials, of any of the above forms of opium,

but does not include any preparation containing not more than 0.2 per cent of morphine,

(f) "opium derivative" means—

(i) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether in powder form or granulated or otherwise or mixed with neutral materials,

(ii) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked,

(iii) morphine, that is, the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$ and its salts,

(iv) diacetylmorphine, that is, the alkaloid, also known as diamorphine or heroin, having the chemical formula $C_{21}H_{23}NO_5$, and its salts, and

(v) all preparations, official and non official, containing more than 0.2 per cent of morphine, or containing any diacetylmorphine,

(g) "manufactured drug" includes—

(i) all coca derivatives, medicinal hemp and opium derivatives, and

(ii) any other narcotic substance which the Governor General in Council may, by notification in the Gazette of India made in pursuance of a recommendation under Article 10 of the Geneva Convention, declare to be a manufactured drug,

but does not include any preparation which the Governor General in Council may, by notification in the Gazette of India made in pursuance of a finding under Article 8 of the Geneva Convention, declare not to be a manufactured drug,

(h) "dangerous drug" includes coca leaf, hemp and opium, and all manufactured drugs,

)

- (i) 'to import into the administered areas' means, subject to the provisions of clause (j), to bring into any one of the administered areas by land, sea or air,
- (j) 'to import inter-provincially' means to bring into any one of the administered areas from any other of the administered areas or from any province of British India and includes—
 - (i) the bringing of a dangerous drug into any one of the administered areas from any territory of a Prince or Chief in India which is adjacent to or enclosed by the territories of that administered area, which the Governor-General in Council may by notification in the Gazette of India declare to be inter-provincial import; and
 - (ii) bringing into any one of the administered areas from any other of the administered areas or from any province in British India in the course of a continuous journey by sea or through the territory of a Prince or Chief in India.
- (k) 'to export from the administered areas' means, subject to the provisions of clause (l) to take out of any one of the administered areas by land, sea or air;
- (l) 'to export inter-provincially' means to take out of any one of the administered areas into any other of the administered areas or into any province of British India and includes—
 - (i) the taking of a dangerous drug out of any one of the administered areas into any territory of a Prince or Chief in India which is adjacent to or enclosed by the territories of that administered area, which the Governor-General in Council may by notification in the Gazette of India declare to be inter-provincial export; and
 - (ii) taking out of any one of the administered areas into any other of the administered areas or into any province of British India in the course of a continuous journey by sea or through the territories of a Prince or Chief in India.
- (m) 'to transport' means to take from one place to another in the same administered area;

- (i) 'to import into the Rajputana and Central India Railway lands means subject to the provisions of clause (j) to bring into the Rajputana Railway lands or the Central India Railway lands by land sea or air,
- (j) to import inter provincially means to bring into the Rajputana Railway lands or the Central India Railway lands from the Central India Railway lands or the Rajputana Railway lands as the case may be or from British India and includes—
 - (i) the bringing of a dangerous drug into the Rajputana and Central India Railway lands from any territory of a Prince or Chief in India which is adjacent to or enclosed by the said lands which the Governor General in Council may by notification in the Gazette of India declare to be inter provincial import and
 - (ii) bringing into the Rajputana Railway lands or the Central India Railway lands from the Central India Railway lands or the Rajputana Railway lands as the case may be or from any province in British India in the course of a continuous journey by sea or through the territory of a Prince or Chief in India
- (k) to export from the Rajputana and Central India Railway Lands means subject to the provisions of clause (l) to take out of the Rajputana Railway lands or the Central India Railway lands by land sea or air,
- (l) 'to export inter provincially means to take out of the Rajputana Railway lands or the Central India Railway lands into the Central India Railway lands or the Rajputana Railway lands as the case may be or into any province of British India and includes—
 - (i) the taking of a dangerous drug out of the Rajputana and Central India Railway lands into any territory of a Prince or Chief in India which is adjacent to or enclosed by the said lands which the Governor General in Council may by notification in the Gazette of India declare to be inter provincial export and
 - (ii) taking out of the Rajputana Railway lands or the Central India Railway lands into the Central India Railway lands or the Rajputana Railway lands as the case may be or into any province of British India in the course of a continuous journey by sea or through the territories of a Prince or Chief in India
- (m) to transport means to take from one place to another in the Rajputana Railway lands or in the Central India Railway lands,

(mm) 'Rajputana Railway lands ' and 'Central India Railway lands ' mean such of the Rajputana and Central India Railway lands as are included in the Rajputana Agency and in the Central India Agency respectively, and

(n) " territory of a Prince or Chief in India " includes any territory in which the Governor General in Council exercises powers or jurisdiction by virtue of the Indian (Foreign Jurisdiction) Order in Council, 1902.

Calculation of percentages in liquid preparations.

3. The Governor General in Council may make rules prescribing the method by which percentages in the case of liquid preparations shall be calculated for the purposes of clauses (a), (b), (c) and (f) of section 2 :

Provided that, unless and until such rules are made such percentages shall be calculated on the basis that a preparation containing one per cent. of a substance means a preparation in which one gramme of the substance, if a solid or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation. and so in proportion for any greater or less percentage.

CHAPTER II

PROHIBITION AND CONTROL

4. No one shall—

- (a) cultivate any coca plant, or gather any portion of a coca plant, Prohibition of certain operations,
- (b) manufacture or possess prepared opium, unless it is prepared from opium lawfully possessed for the consumption of the person so possessing it, or
- (c) import into British India, export from British India, tranship or sell prepared opium

Provided that this section shall not apply to the cultivation of any coca plant or to the gathering of any portion thereof on behalf of Government

5 (1) No one shall—

- (a) cultivate the poppy (*Papaver somniferum* L.) or
 - (b) manufacture opium,
- save in accordance with rules made under sub section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules

Control of Governor General in Council over production and supply of opium.

(2) The Governor General in Council may make rules permitting and regulating the cultivation of the poppy (*Papaver somniferum* L.) and the manufacture of opium, and such rules may prescribe the form and conditions of licences for such cultivation and manufacture, the authorities by which such licences may be granted, the fees that may be charged therefor, and any other matter requisite to render effective the control of the Governor General in Council over such cultivation and manufacture

(3) The Governor General in Council may also make rules permitting and regulating the sale of opium from Government factories, for export or to Local Governments or to manufacturing chemists

6 (1) No one shall manufacture any manufactured drug, other than prepared opium, save in accordance with rules made under sub section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules

Control of Governor General in Council over manufacture of drugs

(2) The Governor General in Council may make rules permitting and regulating the manufacture of manufactured drugs, other than prepared opium, and such rules may prescribe the form and conditions of licences for such manufacture, the authorities by which such licences may be granted and the fees that may be charged therefor, and any other matter requisite to render effective the control of the Governor General in Council over such manufacture

(3) Nothing in this section shall apply to the manufacture of medicinal opium or of preparations containing morphine, diacetyl morphine or cocaine from materials which the maker is lawfully entitled to possess.

Control of Governor General in Council over operations at land and sea frontiers.

7. (1) No one shall—

- (a) import into British India,
- (b) export from British India,
- (c) tranship

any dangerous drug, other than prepared opium, save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Governor General in Council may make rules permitting and regulating the import into and export from British India and the transshipment of dangerous drugs, other than prepared opium, and such rules may prescribe the ports or places at which any kind of dangerous drug may be imported, exported or transhipped, the form and conditions of licences for such import, export or transshipment, the authorities by which such licences may be granted, the fees that may be charged therefor, and any other matter requisite to render effective the control of the Governor General in Council over such import, export and transshipment.

Control of local Government over internal traffic in manufactured drugs and coca leaf.

8. (1) No one shall—

- (a) import or export inter-provincially, transport, possess or sell any manufactured drug, other than prepared opium, or coca leaf, or
- (b) manufacture medicinal opium or any preparation containing morphine, diacetylmorphine or cocaine,

save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Local Government may, subject to the control of the Governor General in Council, make rules permitting and regulating—

- (a) the inter-provincial import and export into and from the territories under its administration, the transport, possession and sale of manufactured drugs, other than prepared opium, and of coca leaf; and
- (b) the manufacture of medicinal opium or of any preparation containing morphine diacetylmorphine or cocaine from materials which the maker is lawfully entitled to possess.

Such rules may prescribe the form and conditions of licences for such import, export, transport, possession, sale and manufacture, the authorities by which such licenses may be granted and the fees

that may be charged therefor, and any other matters requisite to render effective the control of the Local Government over such import, export transport, possession, sale and manufacture

(3) Save in so far as may be expressly provided in rules made under sub section (2), nothing in this section shall apply to manufactured drugs, which are the property and in the possession of Government

Provided that such drugs shall not be sold or otherwise delivered to any person who, under the rules made by the Local Government under this section, is not entitled to their possession

9 No one shall engage in or control any trade whereby a dangerous drug is obtained outside British India and supplied to any person outside British India, save in accordance with the conditions of a licence granted by and at the discretion of the Local Government Control of Local Government over external dealings in dangerous drugs

CHAPTER III.

OFFENCES AND PENALTIES.

Punishment
contravention
section 4. for
of

10. Whoever—

- (a) cultivates any coca plant or gathers any portion of a coca plant,
- (b) manufactures or possesses prepared opium otherwise than as permitted under section 4, or
- (c) imports into British India, exports from British India, tranships or sells prepared opium,

shall be punished with imprisonment which may extend to two years, or with fine, or with both :

Provided that this section shall not apply to the cultivation of any coca plant or to the gathering of any portion thereof on behalf of Government.

Punishment
contravention
section 5. for
of

11. Whoever, in contravention of section 5, or any rule made under that section, or of any condition of a licence granted thereunder,

- (a) cultivates the poppy, or
- (b) manufactures opium,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Punishment
contravention
section 6. for
of

12. Whoever, in contravention of section 6, or any rule made under that section, or any condition of a licence granted thereunder, manufactures any manufactured drug, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Punishment
contravention
section 7. for
of

13. Whoever, in contravention of section 7, or any rule made under that section, or any condition of a licence granted thereunder,

- (a) imports into British India,
- (b) exports from British India, or
- (c) tranships

any dangerous drug, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Punishment
for contra-
vention of
section 8.

14. Whoever, in contravention of section 8, or any rule made under that section, or any condition of a licence issued thereunder,

- (a) imports or exports inter-provincially, transports, possesses or sells any manufactured drug or coca leaf, or
- (b) manufactures medicinal opium or any preparations containing morphine, diacetylmorphine or cocaine,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

15 Whoever, being the owner or occupier or having the use of any house, room, enclosure, space, vessel vehicle or place, knowingly permits it to be used for the commission by any other person of an offence punishable under section 10, section 12, section 13, or section 14, shall be punished with imprisonment which may extend to two years, or with fine, or with both Punishment for allowing premises to be used for the commission of an offence

16 Whoever, having been convicted of an offence punishable under section 10, section 12, section 13, or section 14, is guilty of any offence punishable under any of those sections shall be subject for every such subsequent offence to imprisonment which may extend to four years, or to fine, or to both Enhanced punishment for offences after previous conviction

17 Whoever, having been convicted of an offence punishable under section 16, is again guilty of an offence punishable under that section, shall be subject for every such subsequent offence to imprisonment which may extend to four years or to fine, or to both Enhanced punishment for offence under section 16 after previous conviction

18 (1) Whenever any person is convicted of an offence punishable under section 10, section 12 section 13, or section 14, and the Court convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under those sections the Court may at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means with or without sureties, for abstaining from the commission of such offences during such period, not exceeding three years as it thinks fit to fix Security for abstaining from commission of certain offences

(2) The bond shall be in the form contained in Schedule I, and the provisions of the Code of Criminal Procedure, 1898, shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void

(4) An order under this section may also be made by an appellate Court or by the High Court when exercising its powers of revision

19 Whoever engages in or controls any trade whereby a dangerous drug is obtained outside British India and supplied to any person outside British India, otherwise than in accordance with the conditions of a licence granted under section 9, shall be punished with fine which may extend to one thousand rupees Penalty for contravention of section 9

20 Whoever attempts to commit an offence punishable under this Chapter, or to cause such an offence to be committed and in such attempt does any act towards the commission of the offence, shall be punished with the punishment provided for the offence Attempts

21. (1) Whoever abets an offence punishable under this Chapter shall, whether such offence be or be not committed in consequence of such abetment and notwithstanding anything contained in section 116 of the Indian Penal Code, be punished with the punishment provided for the offence. XLV of 1860

(2) A person abets an offence within the meaning of this section who, in British India, abets the commission of any act in a place without and beyond British India which—

- (a) would constitute an offence if committed within British India : or
- (b) under the laws of such place, is an offence relating to dangerous drugs having all the legal conditions required to constitute it such an offence the same as or analogous to the legal conditions required to constitute it an offence punishable under this Chapter, if committed within British India.

CHAPTER IV

PROCEDURE

22 (1) The Collector or other officer authorised by the Local Government in this behalf, or a Presidency Magistrate or a Magistrate of the first class, or a Magistrate of the second class specially empowered by the Local Government in this behalf may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence punishable under Chapter III or for the search, whether by day or by night of any building vessel or place in which he has reason to believe any dangerous drug in respect of which an offence punishable under Chapter III has been committed is kept or concealed

Power to issue warrants

(2) The officer to whom a search warrant under sub section (1) is addressed shall have all the powers of an officer acting under section 23

23 (1) Any officer of the department of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, authorised in this behalf by the Local Government who has reason to believe from personal knowledge or from information given by any person and taken down in writing that any dangerous drug in respect of which an offence punishable under Chapter III has been committed is kept or concealed in any building vessel or enclosed place, may, between sunrise and sunset —

Power of entry, search seizure and arrest without warrant

- (a) enter into any such building vessel or place ,
- (b) in case of resistance, break open any door and remove any other obstacle to such entry ,
- (c) seize such drug and all materials used in the manufacture thereof and any other article which he has reason to believe to be liable to confiscation under section 33 and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug , and
- (d) detain and search, and, if he think proper, arrest any person whom he has reason to believe to have committed an offence punishable under Chapter III relating to such drug

Provided that if such officer has reason to believe that a search warrant cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such building, vessel or enclosed place at any time between sunset and sunrise, after recording the grounds of his belief

(2) Where an officer takes down any information in writing under sub-section (1), or records grounds for his belief under the proviso thereto, he shall forthwith send a copy thereof to his immediate official superior.

- Power of seizure and arrest in public places. 24. Any officer of any of the departments mentioned in section 23 may—
- (a) seize, in any public place or in transit, any dangerous drug in respect of which he has reason to believe an offence punishable under Chapter III has been committed, and, along with such drug, any other article liable to confiscation under section 33, and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug ;
 - (b) detain and search any person whom he has reason to believe to have committed an offence punishable under Chapter III, and, if such person has any dangerous drug in his possession and such possession appears to him to be unlawful, arrest him and any other persons in his company.
- Mode of making searches and arrests. 25. The provisions of the Code of Criminal Procedure, 1898, V shall apply, in so far as they are not inconsistent with the provisions of sections 22, 23, and 24, to all warrants issued and arrests and searches made under those sections.
- Obligations on officers to assist each other. 26. All officers of the several departments mentioned in section 23 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.
- Report of arrests and seizures. 27. Whenever any person makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior.
- Punishment for vexatious entry, search, seizure, or arrest. 28. Any person empowered under section 23 or section 24 who—
- (a) without reasonable grounds of suspicion, enters or searches, or causes to be entered or searched, any building, vessel or place ;
 - (b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any dangerous drug or other article liable to be confiscated under section 33, or of seizing any document or other article liable to seizure under section 23 or section 24 ; or
 - (c) vexatiously and unnecessarily detains, searches or arrests any person,
- shall be punished with fine which may extend to five hundred rupees.

29 (1) Every person arrested and article seized under a warrant issued under section 22 shall be forwarded without delay to the authority by whom the warrant was issued, and every person arrested and article seized under section 23 or section 21 shall be forwarded without delay to the officer in charge of the nearest police station or to the nearest officer of the Excise Department empowered under section 30

Disposal of persons
arrested and
of
articles seized

(2) The authority or officer to whom any person or article is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or article

30 The Local Government may invest any officer of the Excise Department or any class of such officers with the powers of an officer in charge of a police station for the investigation of offences under this Act

Lower to invest
Excise officers with
powers of an officer
in charge of a police
station

31 No Magistrate shall try an offence under this Act unless he is a Presidency Magistrate or a Magistrate of the first class or a Magistrate of the second class specially empowered by the Local Government in this behalf

Jurisdiction to try
offence

32 In trials under this Act, it may be presumed unless and until the contrary is proved that the accused has committed an offence under Chapter III in respect of—

Presumption from
possession of illicit
articles.

- (a) any dangerous drug,
- (b) any poppy or coca plant growing on any land which he has cultivated,
- (c) any apparatus specially designed or any group of utensils specially adapted for the manufacture of any dangerous drug, or
- (d) any materials which have undergone any process towards the manufacture of a dangerous drug or any residue left of the materials from which a dangerous drug has been manufactured

for the possession of which he fails to account satisfactorily

33 (1) Whenever any offence has been committed which is punishable under Chapter III the dangerous drug materials apparatus and utensils in respect of which or by means of which such offence has been committed shall be liable to confiscation

Liability of illicit
articles to confisca-
tion

(2) In addition to any dangerous drug materials apparatus or utensils liable to confiscation under sub section (1)

and the receptacles packages and coverings in which any dangerous drug materials apparatus or utensils liable to confiscation under sub section (1) is found and the other contents if any of such receptacles or packages and the animals vehicles vessels and other conveyances used in carrying the same, shall likewise be liable to confiscation

Provided that no animal, vehicle, vessel or other conveyance shall be liable to confiscation unless it is proved that the owner thereof knew that the offence was being or was to be or was likely to be, committed.

Procedure in making
confiscations.

34. (1) In the trial of offences under this Act, whether the accused is convicted or acquitted, the Court shall decide whether any article seized under this Chapter is liable to confiscation under section 33 ; and, if it decides that the article is so liable, it may order confiscation accordingly.

(2) Where any article seized under this Chapter appears to be liable to confiscation under section 33, but the person who committed the offence in connection therewith is not known or cannot be found, the Collector or other officer authorised by the Local Government in this behalf, may inquire into and decide such liability, and may order confiscation accordingly :

Provided that no order of confiscation of an article shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim.

Provided, further, that, if any such article, other than a dangerous drug, is liable to speedy and natural decay, or if the Collector or other officer is of opinion that its sale would be for the benefit of its owner, he may at any time direct it to be sold ; and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale.

(3) Any person not convicted who claims any right to property which has been confiscated under this section may appeal to the Court of Session against the order of confiscation.

Power to make rules
regulating disposal
of confiscated articles
and rewards.

35. The Governor General in Council may make rules to regulate—

- (a) the disposal of all articles confiscated under this Act ; and
- (b) the rewards to be paid to officers, informers and other persons out of the proceeds of fines and confiscations under this Act.

CHAPTER V

MISCELLANEOUS

36 (1) All rules made under this Act shall be subject to the ^{Provisions regarding} condition of previous publication ^{rules}

(2) Rules made by the Governor General in Council shall be published in the *Gazette of India* and rules made by a Local Government shall be published in the local official Gazette or, where there is no local official Gazette in the *Gazette of India*

(3) Rules made by a Local Government shall not be inconsistent with any rules made by the Governor General in Council and shall be void to the extent of any such inconsistency

37 (1) Any arrear of any licence fee chargeable by any rule ^{Recovery of sums} made under this Act may be recovered from the person ^{primarily due to Government.} liable to pay the same or from his surety (if any) as if it were an arrear of land revenue

(2) When any person in compliance with any rule made under this Act gives a bond (other than a bond under section 18) for the performance of any act or for his abstention from any act such performance or abstention shall be deemed to be a public duty, within the meaning of section 71 of the Indian Contract Act 1872 and upon breach of the conditions of such bond by him the whole sum named therein as the amount to be paid in case of such breach may be recovered from him or from his surety (if any) as if it were an arrear of land revenue

38 All prohibitions and restrictions imposed by or under this ^{Application of the} Act on the import into British India the export from British India ^{Sea Customs Act, 1878} and the transshipment of dangerous drugs shall be deemed to be prohibitions and restrictions imposed under section 19 or section 134 of the Sea Customs Act 1878 and the provisions of that Act shall apply accordingly

Provided that where the doing or any thing is an offence punishable under that Act and under this Act nothing in that Act or in this section shall prevent the offender from being punished under this Act

39 (1) Nothing in this Act or in the rules made thereunder shall affect the validity of any enactment of a local Legislature for ^{Saving of local and special laws} the time being in force or of any rule made thereunder which imposes any restriction not imposed by or under this Act or imposes a restriction greater in degree than a corresponding restriction imposed by or under this Act on the consumption of or traffic in any dangerous drug within British India

(2) Nothing in this Act or in the rules made thereunder shall ^{of 1857} affect the validity of the Opium Act 1857

Provided that, where the doing of any thing is an offence punishable under that Act and under this Act, nothing in that Act or in this sub-section shall prevent the offender from being punished under this Act.

Amendment of certain enactments.

40. The enactments specified in the first three columns of Schedule II are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Saving of things already done.

41. When anything done under any enactment specified in the first three columns of Schedule II is in force immediately prior to the commencement of this Act, it shall be deemed, as from the commencement of this Act, to have been done under this Act or under that enactment as hereby amended, as the case may require.

SCHEDULE I.

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES UNDER THE DANGEROUS DRUGS ACT, 1930.

(See section 18.)

Whereas I (*name*), inhabitant of (*place*), have been called upon to enter into a bond to abstain from the commission of offences under section 10, section 12, section 13 and section 14 of the Dangerous Drugs Act, 1930, for the term of , I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to His Majesty the King, Emperor of India, the sum of rupees

Dated this day of 19 .

(Signature.)

(Where a bond with sureties is to be executed add—)

We do hereby declare ourselves sureties for the abovenamed that he will abstain from the commission of offences under section 10, section 12, section 13 and section 14 of the Dangerous Drugs Act, 1930, during the said term and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to His Majesty the King, Emperor of India, the sum of rupees

Dated this day of 19 .

(Signatures.)

(SCHEDULE.—Amendments of local Acts.)

SCHEDULE II.

AMENDMENTS OF LOCAL ACTS.

(See section 40.)

Acts of the Governor General in Council.

Year.	No	Short title.	Amendments.
1878	I	The Opium Act, 1878	<p>In section 3,—</p> <p>(a) for the definition of " opium " the following definition shall be substituted, namely —</p> <p>" ' opium ' means—</p> <p>(i) the capsules of the poppy (<i>Papaver somniferum L</i>),</p> <p>(ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport, and</p> <p>(iii) any mixture with or without neutral materials, of any of the above forms of opium</p> <p>but does not include any preparation containing not more than 0.2 per cent of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930 ", and</p> <p>(b) for the definitions of " import " and " export " the following definitions shall be substituted, namely —</p> <p>" ' import ' means to import inter-provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930 ,</p> <p>export ' means to export inter-provincially, as defined in clause (i) of section 2 of the Dangerous Drugs Act, 1930 , and "</p> <p>In section 4,—</p> <p>(a) clauses (a) and (b) shall be omitted and</p> <p>(b) clauses (c), (d), (e) and (f) shall be re-lettered as clauses (a), (b), (c) and (d), respectively</p>

(SCHEDULE II.—*Amendments of local Acts.*)
Acts of the Governor General in Council—contd.

Year.	No.	Short title.	Amendments.
1878	I	The Opium Act, 1878 — <i>contd.</i>	<p>In section 5, (a) clauses (a) and (b) shall be omitted ;</p> <p>(b) clauses (c), (d), (e) and (f) shall be re-lettered as clauses (a), (b), (c) and (d), respectively ; and</p> <p>(c) in the proviso, for the word and figure "section 6" the words and figures "the Dangerous Drugs Act, 1930" shall be substituted.</p> <p>Section 6 shall be omitted.</p> <p>In section 9,— (a) clauses (a) and (b) shall be omitted ; and (b) clauses (c), (d), (e), (f) and (g) shall be re-lettered as clauses (a), (b), (c), (d) and (e), respectively.</p> <p>In section 11,— (a) clause (a) shall be omitted ;</p> <p>(b) in clause (c), for the word, brackets and letters "(d) or (e)" the word, brackets and letters "(b) or (c)" shall be substituted ;</p> <p>(c) in clause (d), for the letter and brackets "(f)" the letter and brackets "(d)" shall be substituted ; and</p> <p>(d) clause (b), and clauses (c) and (d) as so amended, shall be re-lettered, as clauses (a), (b) and (c), respectively.</p> <p>In section 14,— (a) the word "manufactured," shall be omitted ; and (b) in clause (c), the words "and all materials used in the manufacture thereof" shall be omitted.</p> <p>Section 22 shall be omitted.</p>
1898	VI	The Indian Post Office Act, 1898.	<p>In section 25, after the words "any specified description" the words "or where the import or export into or from British India of goods of any specified description has been prohibited or restricted by or under any other enactment for the time being in force" shall be inserted.</p>

(SCHEDULE II—Amendments of local Acts.)

Regulation by the Governor General in Council

Year	No	Short title	Amendments
1915	I	The Excise Regulation, 1915	<p>In section 2,—</p> <p>(a) for the definition of ' export ' in clause (8), the following definition shall be substituted, namely —</p> <p>(8) ' export ' means to take out of the province</p> <p>Provided that, in the case of intoxicating drugs specified in sub clauses (i) (ii) and (iii) of clause (II) it means to export inter provincially, as defined in clause (4) of section 2 of the Dangerous Drugs Act 1930 ",</p> <p>(b) the definition of " hemp plant " in clause (9) shall be omitted ,</p> <p>(c) for the definition of ' import " in clause (10) the following definition shall be substituted, namely —</p> <p>(10) ' import ' means to bring into the province</p> <p>Provided that in the case of intoxicating drugs specified in sub clauses (i) (ii) and (iii) of clause (II), it means to import inter provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930 ",</p> <p>(d) for the definition of " intoxicating drug ' in clause (II) the following definition shall be substituted namely —</p> <p>(II) intoxicating drug ' means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa</i> L), including all forms known as <i>bhang</i>, <i>siddhi</i>, or <i>ganja</i> ,</p> <p>(ii) <i>charas</i>, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport ,</p> <p>(iii) any mixture, with or without neutral materials, of any of the above forms of hemp or any drink prepared there from , and</p>

(SCHEDULE II.—*Amendments of local Acts.*)*Regulation by the Governor General in Council—contd.*

Year.	No.	Short title.	Amendments.
1915	I	The Excise Regulation, 1915— <i>contd.</i>	<p>(iv) any other intoxicating or narcotic substance which the Chief Commissioner, may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930 ; ”</p> <p>(e) for the definition of “ transport ” in clause (19), the following definition shall be substituted, namely :— “(19) ‘ transport ’ means to move from one place to another within the province ; provided that import and export from British Baluchistan from and to the territories administered by the Agent to the Governor General in Baluchistan as such Agent shall be deemed to be transport.”</p> <p>Section 3 shall be omitted.</p> <p>In sections 13, 33 and 50, the words “ or coca ”, wherever they occur, shall be omitted.</p> <p>In clause (d) of sub-section (1) of section 30, after the words “ of any offence ”, where they occur for the first time, the words “ under the Dangerous Drugs Act, 1930, or ” shall be inserted.</p> <p>In section 33, the proviso shall be omitted.</p>

Madras Act.

1886	I	The Madras Abkari Act., 1893.	<p>In section 3,—</p> <p>(a) for the definition of “ intoxicating drug ” in clause (13) the following definition shall be substituted, namely :— “(13) ‘ intoxicating drug ’ means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa L.</i>), including all forms known, as <i>bhanga</i>, <i>siddhi</i> or <i>ganja</i> ;</p>
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(SCHEDULE II.—*Amendments of local Acts.*)*Madras Act—concl'd.*

Year.	No.	Short title.	Amendments.
1886	I	<i>The Madras Abkari Act, 1886—concl'd.</i>	<p>(c) the words "or coca", where they occur after the word "hemp", shall be omitted.</p> <p>In clause (c) of section 26, after the words "of any offence", where they occur for the second time, the words "under the Dangerous Drugs Act, 1930, or" shall be inserted.</p> <p>In clause (I) of sub-section (2) of section 29, the words "and coca" shall be omitted, and for the word "plants", wherever it occurs, the word "plant" shall be substituted.</p> <p>In clause (c) of section 55,—</p> <p>(a) the words "or <i>Indica</i>" shall be omitted ;</p> <p>(b) the words "the coca plant (<i>Erythroxylon coca</i>)" shall be omitted ; and</p> <p>(c) for the word "plants" the word "plant" shall be substituted.</p>

Bombay Act.

1878	V	<i>The Bombay Abkari Act, 1878.</i>	<p>In section 3,—</p> <p>(a) for the definition of "intoxicating drug" in clause (9) the following definitions shall be substituted, namely :—</p> <p>"(9) 'intoxicating drug' means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa</i> L.) including all forms known as <i>bhanga</i>, <i>siddhi</i> or <i>ganja</i> ;</p> <p>(ii) <i>charas</i>, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport ;</p> <p>(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom ; and</p>
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(SCHEDULE II.—Amendments of local Acts)

Bombay Act—contd

Year.	No.	Short title	Amendments.
1878	V	The Bombay Abkari Act, 1878— <i>contd</i>	<p>(iv) any other intoxicating or narcotic substance which Government may by notification in the Bombay Government Gazette, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section, 2 of the Dangerous Drugs Act, 1930</p> <p>(9A) 'hemp' means any variety of the Indian hemp plant from which intoxicating drugs can be produced."</p> <p>(b) to the definition of "to import" in clause (10) the following proviso shall be added, namely —</p> <p>" Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (9) and hemp it means to import inter provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930," and</p> <p>(c) to the definition of "to export" in clause (10) the following proviso shall be added, namely —</p> <p>" Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (9) and hemp, it means to export inter provincially, as defined in clause (l) of section 2 of the Dangerous Drugs Act, 1930 "</p> <p>Clause (2) of sub section (1) of section 16 shall be omitted</p> <p>In clause (c) of sub section (1) of section 32, after the words "of any offence", where they occur for the second time, the words "under the Dangerous Drugs Act, 1930, or" shall be inserted</p> <p>In sub section (1) of section 32, the proviso shall be omitted</p> <p>Sections 43A and 43B shall be omitted</p>

SCHEDULE II.—Amendments of local Acts.)

Bengal Act.

Year.	No.	Short title.	Amendments.
1909	V	The Bengal Excise Act, 1909.	<p>In section 2,—</p> <p>(a) clause (4A) shall be omitted ;</p> <p>(b) to the definition of "export" in clause (11) the following proviso shall be added, namely :—</p> <p>"Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (13), it means to export inter-provincially, as defined in clause (l) of section 2 of the Dangerous Drugs Act, 1930";</p> <p>(c) to the definition of "import" in clause (12) the following proviso shall be added, namely :—</p> <p>"Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (13), it means to import inter-provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930"; and</p> <p>(d) for the definition of "intoxicating drug" in clause (13) the following definition shall be substituted, namely :—</p> <p>"(13) 'intoxicating drug' means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa</i> L.), including all forms known as <i>bhāng</i>, <i>siddhi</i> or <i>ganja</i> ;</p> <p>(ii) <i>charas</i>, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport ;</p> <p>(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom ; and</p>

(SCHEDULE II.—Amendments of local Acts.)

Bengal Act—contd.

Year	No	Short title	Amendments
1909	V	The Bengal Excise Act, 1909—contd.	<p>(iv) any other intoxicating or narcotic substance which the Local Government, may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930 "</p> <p>Section 3 shall be omitted</p> <p>In clause (d) of sub section (1) of section 42, after the words ' of any offence punishable ', where they occur for the second time, the words ' under the Dangerous Drugs Act, 1930, or ' shall be inserted</p> <p>In section 46, the proviso shall be omitted</p>

United Provinces Act

1910	IV	The United Provinces Excise Act, 1910	<p>In section 3,—</p> <p>(a) for the definition of " intoxicating drug " in clause (12) the following definition shall be substituted, namely —</p> <p>" (12) ' intoxicating drug ' means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa L.</i>), including all forms known as <i>bhang</i>, <i>saddha</i> or <i>ganja</i>,</p> <p>(ii) <i>charas</i>, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport,</p> <p>(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug or any drink prepared therefrom, and</p> <p>(iv) any other intoxicating or narcotic substance which the Local Government, may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930, "</p>
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(SCHEDULE II.—*Amendments of local Acts.*)*United Provinces Act—contd.*

Year.	No.	Short title.	Amendments.
1910	IV	The United Provinces Excise Act, 1910— <i>contd.</i>	<p>(b) to the definition of "import" in clause (17) the following proviso shall be added, namely:—</p> <p>" Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (12), it means to import inter-provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930 ";</p> <p>(c) to the definition of "export" in clause (18), the following proviso shall be added, namely:—</p> <p>" Provided that, in the case of intoxicating drugs specified in sub-clauses (i) (ii) and (iii), of clause (12), it means to export inter-provincially as defined in clause (l) of section 2 of the Dangerous Drugs Act, 1930 ";</p> <p>and</p> <p>(d) the definition of "cocaine" in clause (23) shall be omitted.</p> <p>Section 5 shall be omitted.</p> <p>In clause (c) of sub-section (1) of section 34, after the words " of any offence punishable," where they occur for the second time, the words " under the Dangerous Drugs Act, 1930, or " shall be inserted.</p> <p>In sections 51, 54, 60 and 70, the word, figures and letter " section 60A " shall be omitted.</p> <p>In section 60, the words " if the offence is committed in respect of cocaine, with imprisonment which may extend to two years or with fine or with both, and in any other case " shall be omitted.</p> <p>Sections 60A and 60B shall be omitted.</p>

Punjab Act.

1914	I	The Punjab Excise Act, 1914.	<p>In section 3,—</p> <p>(a) to the definition of "export" in clause (10) the following proviso shall be added, namely:—</p> <p>" Provided that, in the case of intoxicating drugs specified in</p>
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(SCHEDULE II.—Amendments of local Acts.)

Punjab Act—contd.

Year.	No.	Short title	Amendments
1914	I	The Punjab Excise Act, 1914— <i>contd</i>	<p>sub clauses (i) (ii) and (iii) of clause (13), it means to export inter provincially, as defined in clause (1) of section 2 of the Dangerous Drugs Act 1930',</p> <p>(b) to the definition of "import" in clause (12) the following proviso shall be added, namely— "Provided that in the case of intoxicating drugs specified in sub clauses (i), (ii) and (iii) of clause (13), it means to import inter provincially as defined in clause (3) of section 2 of the Dangerous Drugs Act, 1930 and</p> <p>(c) for the definition of "intoxicating drug" in clause (13) the following definition shall be substituted namely— "intoxicating drug means— (i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa</i> L.), including all forms known as <i>bang</i>, <i>siddha</i>, or <i>ganja</i>, (ii) <i>charas</i>, that is the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport, (iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom, and (iv) any other intoxicating or narcotic substance which the Local Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930'</p> <p>In clause (b) of sub section (1) of section 20, the words "or coca plant" shall be omitted</p>

(SCHEDULE II.—*Amendments of local Acts.*)*Punjab Act—concl'd.*

Year.	No.	Short title.	Amendments.
1914	I	The Punjab Excise Act, 1914— <i>concl'd.</i>	<p>In clause (1) of section 26, in proviso (a) to section 32, in sub-clause (ii) of clause (a) of section 59, and in clause (b) of sub-section (2) of section 61, the words "or coca" shall be omitted.</p> <p>In clause (d) of section 36, after the words "of any offence punishable", where they occur for the second time, the words "under the Dangerous Drugs Act, 1930, or" shall be inserted.</p>

Burma Acts.

1909	VII	The Burma Opium Law Amendment Act, 1909.	<p>For section 2 the following section shall be substituted, namely :—</p> <p>"2. In this Act, 'opium' includes opium as defined in section 3 of the Opium Act, 1878, and opium derivatives as defined in clause (f) of section 2 of the Dangerous Drugs Act, 1930."</p> <p>In clause (a) of section 2, after the words and figures "Opium Act, 1878", the words and figures "or the Dangerous Drugs Act, 1930", shall be inserted.</p> <p>In sub-section (1) of section 4,—</p> <p>(a) for the words "the Opium Law for the time being in force" the words "any law for the time being in force relating to opium" shall be substituted ;</p> <p>(b) after the words and figures "opium Act, 1878", the words and figures "or section 22 of the Dangerous Drugs Act, 1930", shall be inserted ;</p> <p>(c) in clauses (b) and (c), for the words "the Opium Law" the words "any law for the time being in force relating to opium" shall be substituted.</p>
1917	V	The Burma Excise Act, 1917.	<p>In section 2,—</p> <p>(a) clause (d) shall be omitted ;</p> <p>(b) to the definition of "Export" in clause (i) the following proviso shall be added, namely :—</p> <p>"Provided that, in the case of intoxicating drugs specified in sub-</p>

(SCHEDULE II.—Amendments of local Acts.)

Burma Acts—contd.

Year	No	Short title	Amendments.
1917	V	The Burma Excise Act, 1917— <i>contd</i>	<p>clauses (i), (ii) and (iii) of clause (f), it means to export inter-provincially, as defined in clause (f) of section 2 of the Dangerous Drugs Act, 1930",</p> <p>(c) clause (j) shall be omitted,</p> <p>(d) to the definition of "Import" in clause (k) the following proviso shall be added, namely — " Provided that, in the case of intoxicating drugs specified in sub clauses (i), (ii) and (iii) of clause (f), it means to import inter provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930, and</p> <p>(e) for the definition of 'Intoxicating drug' in clause (l) the following definition shall be substituted, namely — " 'Intoxicating Drug' means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa L.</i>), including all forms known as <i>bang</i>, <i>siddhi</i> or <i>ganja</i>,</p> <p>(ii) <i>charas</i>, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;</p> <p>(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom, and</p> <p>(iv) any other intoxicating or narcotic substance which the Local Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930 ".</p>

(SCHEDULE II.—*Amendments of local Acts.*)*Burma Acts—concl'd.*

Year.	No.	Short title.	Amendments.
1917	V	The Burma Excise Act, 1917— <i>concl'd.</i>	<p>In section 11, for the words "the coca plant or any plant specified as an intoxicating drug by notification under section 2 (l) (iii)" the words "or any plant declared to be an intoxicating drug by a notification under section 2 (l) (iv)" shall be substituted.</p> <p>In clause (g) of section 30, for the words "coca plant or any plant specified as an intoxicating drug by notification under section 2 (l) (iii)" the words "or any plant declared to be an intoxicating drug by a notification under section 2 (l) (iv)" shall be substituted.</p> <p>Section 32 shall be omitted.</p> <p>In sections 44, 45, 46, 54, 55, 56 and 57 the word and figures "section 32" shall be omitted.</p> <p>Section 64 shall be omitted.</p>

Eastern Bengal and Assam Act.

1910	I	The Eastern Bengal and Assam Excise Act, 1910.	<p>In section 3,—</p> <p>(a) to the definition of "Export" in clause (11) the following proviso shall be added namely :—</p> <p>" Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (13), it means to export inter-provincially, as defined in clause (l) of section 2 of the Dangerous Drugs Act, 1930 ";</p> <p>(b) to the definition of "Import" in clause (12) the following proviso shall be added, namely :—</p> <p>" Provided that in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (13), it means to import inter-provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930 "; and</p> <p>(c) for the definition of "Intoxicating drug" in clause (13) the following</p>
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(SCHEDULE II.—Amendments of local Acts.)

Eastern Bengal and Assam Act—contd.

Year	No.	Short title	Amendments.
1910	I	The Eastern Bengal and Assam Excise Act, 1910— <i>contd</i>	<p>definition shall be substituted, namely—</p> <p>“ ‘Intoxicating drug’ means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa</i> L.), including all forms known as <i>bhang</i>, <i>siddhi</i> or <i>ganja</i>,</p> <p>(ii) <i>charas</i>, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport,</p> <p>(iii) any mixture, with or without neutral materials of any of the above forms of intoxicating drug, or any drink prepared therefrom, and</p> <p>(iv) any other intoxicating or narcotic substance which the Local Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930”</p> <p>Section 5 shall be omitted</p> <p>For clause (b) of sub clause (1) of section 15 the following clause shall be substituted, namely—</p> <p>“(b) no hemp plant (<i>Cannabis sativa</i> L.) shall be cultivated or collected,”</p> <p>In clause (c) of sub section (1) of section 29, after the words “of any offence punishable”, where they occur for the second time, the words “under the Dangerous Drugs Act 1930, or” shall be inserted</p> <p>For sub clause (ii) of clause (c) of sub section (2) of section 38 the following</p>

(SCHEDULE II.—Amendments of local Acts.)

Eastern Bengal and Assam Act—concl'd.

Year.	No.	Short title.	Amendments.
1910	I	The Eastern Bengal and Assam Excise Act, 1910—concl'd.	<p>sub-clause shall be substituted, namely :—</p> <p>“(ii) the cultivation of the hemp plant (<i>Cannabis sativa</i> L.), the collection of the spontaneous growth of such plant, and the preparation of any intoxicating drug from such growth ; ”.</p> <p>In clause (b) of section 53, the words “ or any cocaine-yielding plant of the genus <i>Erythroxylon</i> ” shall be omitted.</p> <p>In clause (a) of sub-section (1) of section 67, the words “ or cocaine-yielding plant of the genus <i>Erythroxylon</i> ” shall be omitted.</p> <p>In clause (a) of section 68, the words “ cocaine-yielding plant of the genus <i>Erythroxylon</i> ” shall be omitted.</p>

Bihar and Orissa Act.

1915	II	The Bihar and Orissa Excise Act, 1915.	<p>In section 2,—</p> <p>(a) clause (4) shall be omitted ;</p> <p>(b) to the definition of “ export ” in clause (10) the following proviso shall be added, namely :—</p> <p>“ Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (13), it means to export inter-provincially, as defined in clause (l) of section 2 of the Dangerous Drugs Act, 1930 ” ;</p> <p>(c) to the definition of “ import ” in clause (12) the following proviso shall be added namely :—</p> <p>“ Provided that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (13), it means to import inter-provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930 ” ;</p> <p>(d) the definition of “ hemp plant ” in clause (11) shall be omitted ; and</p>
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(SCHEDULE II—Amendments of local Acts)

Bihar and Orissa Act—contd.

Year.	No	Short title	Amendments.
1915	II	The Bihar and Orissa Excise Act, 1915— contd	<p>(e) for the definition of "intoxicating drug" in clause (13) the following definition shall be substituted namely—</p> <p>" 'intoxicating drug' means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa L.</i>), including all forms known as <i>bhang</i>, <i>siddhi</i> or <i>ganja</i>,</p> <p>(ii) <i>charas</i>, that is, the resin obtained from the hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport,</p> <p>(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drugs, or any drink prepared therefrom, and</p> <p>(iv) any other intoxicating or narcotic substance which the Local Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930,"</p> <p>Section 3 shall be omitted.</p> <p>In clauses (b) and (c) of section 13, the words "or any cocaine yielding plant of the genus <i>Frythroxyton</i>" shall be omitted</p> <p>In clause (d) of sub section (I) of section 42, after the words "of any offence punishable", where they occur for the second time, the words "under the Dangerous Drugs Act 1930, or" shall be inserted</p> <p>In section 47,—</p> <p>(a) in clauses (b) and (c) the words "or any cocaine yielding plant of the genus <i>Frythroxyton</i>" shall be omitted, and</p>

(SCHEDULE II.—*Amendments of local Acts.*)*Bihar and Orissa Act—concl'd.*

Year.	No.	Short title.	Amendments.
1915	II	The Bihar and Orissa Excise Act, 1915— <i>concl'd.</i>	<p>(b) the words "or, if the excisable article in respect of which an offence under clause (a), or clause (f) or clause (h) has been committed is cocaine, to imprisonment for a term which may extend to one year, or to fine which may extend to two thousand rupees, or to both" shall be omitted.</p> <p>In section, 60, the words "other than cocaine" shall be omitted.</p>

Central Provinces Act.

1915	II	The Central Provinces Excise Act, 1915.	<p>In section 2,—</p> <p>(a) clauses (3A) and (4) shall be omitted.</p> <p>(b) to the definition of "export" in clause (9) the following proviso shall be added, namely :—</p> <p>"Provided that, in the case of intoxicating drugs, specified in sub-clauses (i), (ii) and (iii) of clause (12), it means to export inter-provincially, as defined in clause (l) of section 2 of the Dangerous Drugs Act, 1930";</p> <p>(c) clause (10) shall be omitted;</p> <p>(d) to the definition, of "import" in clause (11) the following further proviso shall be added, namely :—</p> <p>"Provided further that, in the case of intoxicating drugs specified in sub-clauses (i), (ii) and (iii) of clause (12), it means to import inter-provincially, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930"; and</p> <p>(e) for the definition of "intoxicating drug" in clause (12) the following definition shall be substituted, namely :—</p> <p>"intoxicating drug" means—</p> <p>(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (<i>Cannabis sativa</i> L.), including all forms known as <i>bhang</i>, <i>siddhi</i> or <i>ganja</i>;</p>
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B. Dangerous Drugs (Amendment) Act 1933.

GOVERNMENT OF INDIA.

Legislative Department.

62. The following Act of the Indian legislature received the assent of the Governor General on the 21st September 1933, and is hereby promulgated for general information :

Act No. XXVI of 1933.

An Act to amend the Dangerous Drugs Act, 1930, for certain purposes.

Whereas it is expedient to amend the Dangerous Drugs Act 1930, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Dangerous Drugs (Amendment) Act, 1933.

Amendment
of section 2, Act II
of 1930.

2. In sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (hereinafter referred to as the said Act), after the words " Geneva Convention " the words " or in pursuance of any international convention supplementing the Geneva Convention " shall be inserted.

Amendment
of section 4, Act II
of 1930.

3. Section 4 of the said Act shall be numbered as sub-section (1) of section 4, and the following sub-section shall be added, namely :—

" (2) The local Government may make rules restricting and regulating the manufacture and possession of prepared opium from opium which is lawfully possessed under clause (b) of sub-section (1) ".

CHAPTER X

PREPARED OPIUM

A General

63 Prepared opium is defined under Section 2(f) (ii) of the Dangerous Drugs Act as an opium derivative. Under Section 4(c) of the Act the import into and export from British India of prepared opium is prohibited as also its transshipment and sale within British India. Similarly Section 4(b) prohibits its manufacture and possession unless it is prepared from opium lawfully possessed for the consumption of the person so possessing it. Section 4 of the Act is now amended by the Dangerous Drugs (Amendment) Act, 1933. The new Amendment Act (Act No XXVI of 1933) divides Section 4 into two Sub Sections (1) and (2). Sub Section (1) repeats the original Section 4 of the Act and deals with the restrictions imposed on prepared opium and Sub Section (2) empowers the Local Government to make rules restricting and regulating the manufacture and possession of prepared opium from opium lawfully possessed. Advantage has been taken of this amendment of the law to reimpose by notification the limit of possession of prepared opium of $\frac{1}{2}$ tola previously prescribed by Section 15 of the Central India Excise Law of 1917. The Dangerous Drugs (Amendment) Act 1933 will be found at the end of the preceding Chapter of this manual.

B Manufacture and possession of prepared opium

64 The following rules made by the Local Administration under Section 4 Sub Section (2) of the Dangerous Drugs Act (II of 1930) as amended by the Dangerous Drugs (Amendment) Act (Act XXVI of 1933) govern the manufacture and possession of prepared opium in the Administered Areas in Central India.

Section 4(2)

No 10 34 (1) Any person may manufacture for his own private consumption prepared opium in any quantity not exceeding half a tola from opium lawfully possessed for his own private consumption.

(2) Any person may at any one time have in his possession prepared opium in any quantity not exceeding half a tola provided that the said prepared opium shall have been manufactured from opium lawfully obtained for his own private consumption.

C Preparation and Smoking of opium

65 The following notes on the preparation and smoking of opium are repeated from the United Provinces Opium Manual for the use and guidance of investigating officers—

(1) *Chandu*—Opium broken into pieces is usually mixed with Preparation and the charred residues of the previous smoking of Chandu pipe. This smoking of opium residue is known as 'inchi'. The proportion is generally two

parts of opium to one of the "inchi". Inchi, however, is not an essential ingredient of chandu. A little water is added and the mixture is slowly boiled and stirred till it becomes of a uniform consistency. To this is added water in the proportion of four or five parts to one part of opium. The whole is boiled and strained through a cloth several times till reduced to the original weight of the opium used. The refuse contains the more insoluble part of the opium and most of the "inchi". The preparation is now ready for smoking. The pipe is a hollow stem of bamboo, closed at one end and with a mouth-piece at the other. If thick, it is known as "bambo"; if thin, as "nigali". Near the closed end is an opening (chula) for receiving the bowl (dawat). The bowl is made of clay and is solid except for a small hole passing through the centre. It is wide at the top and slopes in towards the bottom, to which a brass holder called sakat (socket) is attached that fits into the "chula". A small lamp is required; it consists of a burner covered by a glass shade generally made from the upper part of a bottle which is so adjusted over the burner that the flame almost reaches the orifice at the top of the shade, represented by the neck of the bottle. The attendant (or the smoker himself) picks up a small quantity of the chandu on a wire (thak) and heating it for a moment over the lamp fashions it into a pill (chinta). This pill is then placed in the hole in the bowl of the pipe. The smoker lies down, takes the pipe in his hands and holds it with the bowl inclined somewhat downward close to the flame of the lamp. He then takes a long pull at the pipe. The "chinta" is exhausted by a single inhalation. After the smoke is finished the ashes "inchi" are scraped from the bowl and stem to be used in the preparation of more chandu.

madak.

(2) *Madak*.—Opium is mixed with from 8 to 16 times its weight in water and boiled and strained. A small quantity of sugar, one-tenth or twelfth, is sometimes added. The whole is boiled till reduced to one and half time the quantity of opium used. This syrup is then mixed with from one or three times its weight of leaves desiccated by parching and reduced to powder, but not actually calcined. The most expensive leaf used is "pan", but guava leaves, babul leaves, cardamom husks, even cocoanut fibre or grass, are used. The leaf is borken up into fine pieces mixed with the opium liquor and the whole formed into pills. Flavouring matter or essences are said to be sometimes used. Madak is smoked in an ordinary tobacco pipe in the same way as tobacco, but a bowl of a special make (called maira or mahra) is generally used instead of the ordinary "chillum". It is quite flat and the madak pill is placed over the whole with a piece of burning charcoal.

(3) Chandu is considered more potent in its effects than madak. Madak contains from one to three parts of foreign matter in addition to the opium. Chandu is pure opium usually with the addition of a very small quantity of its own ash.

CHAPTER XI

A Manufactured Drugs other than prepared opium

66. Manufactured drugs as defined in Section 2 (g) (i) of the Dangerous Drugs Act 1930, include (1) Coca derivatives (2) Opium derivatives and (3) Medicinal hemp. Of these Coca derivatives were formerly included in the definition of Cocaine under the Central India, Gwalior and Rajputana Excise Law of 1922 and these together with medicinal hemp were classed among intoxicating drugs under that Act. Opium derivatives were similarly included in the definition of intoxicating drugs under the Opium Act I of 1878, and special rules called the morphia rules were framed for the control of transactions in these drugs. On the application in 1932 of the Excise Regulation and the Opium Act as amended by the Dangerous Drugs Act all manufactured drugs became regulated by the latter Act. The principal manufactured drugs with which the department has to deal are (1) Cocaine and its salts, (2) morphine and its salts and (3) galenical preparations of the hemp plant. The possession and sale of these drugs is now restricted, by rules framed by the Local Administration under section 8 (2), Dangerous Drugs Act to possession and sale by licensed chemists and for strictly medicinal purposes only.

67 Under section 2 (g) (ii) of the Dangerous Drugs Act the Governor General in Council can declare any other narcotic substance to be a manufactured drug in the terms of the Act. A list of drugs so declared to be manufactured drugs is given in Appendix A.

68 Supplies of manufactured drugs are obtained by approved medical practitioners or licensed chemists in the Administered Areas in Central India (1) from licensed chemists in the Administered Areas, (2) from licensed chemists and druggists in British Indian Provinces and (3) from licensed chemists and druggists in Indian States on permits issued by the Excise Commissioner under the rules contained in Chapter XI. Supplies from abroad may only be obtained under the rules framed by the Government of India under section 7 (2) of the Dangerous Drugs Act, 1930. These are given in Appendix D. Confiscated cocaine will be sent to the Chemical Examiner to Government for examination and if declared to conform to the British Pharmacopoeia standard will be disposed of by sale under the orders of the Excise Commissioner.

*B Powers of Officers under the Dangerous Drugs Act**Section 22*

69 The Local Excise Authority in each Administered Area and the Excise Inspector for Central India have been authorised to issue warrants for arrest and search under section 22 of the Dangerous Drugs Act.

Section 23.

70. All officers of the Excise Department of and above the rank of Sub-Inspectors and all officers of the Police Department of and above the rank of Head Constables are authorised to exercise all the powers under section 23 of the Dangerous Drugs Act, in the Administered Areas in Central India. Notfn. No. 3218-C., d. 19-6-33.

Section 30.

71. All officers of the Excise Department not below the rank of Sub-Inspectors are authorised to exercise the powers of an officer in charge of a Police Station for the investigation of offences under section 30. Notfn. No. 3219-C., d. 19-6-33.

Section 34 (2).

72. The Local Excise Authorities in the Administered Areas in Central India are empowered to make enquiries, give decisions and pass orders in the case of articles seized in their respective areas under section 34(2). Notfn. No. 3220-C., d. 19-6-33.

Excise
under to
subsidiary 73. The Local administration has authorised the Excise and Opium Commissioner in Central India to give such directions as he may think fit for the purpose of carrying out the provisions of the rules framed by it under section 8 (2) of the Dangerous Drugs Act. Notfn. No. 3216-C., d. 19-6-33.

C. Appeals and Revisions.

74. An appeal shall lie from any orders passed by the Excise Commissioner to the Agent to the Governor General in Central India provided it is presented within 30 days from the date of the order appealed against. Notfn. No. 3216-C., d. 19-6-33.

D. Rewards and Confiscations.

75. Under section 35 of the Dangerous Drugs Act the Governor General in Council is empowered to frame rules regulating the disposal of articles confiscated under the Act and the grant of rewards to officers, informers and other persons. Hitherto no such rules have been notified and in their absence rewards will be granted, subject to budget provision, by the Excise Commissioner in the case of Administered Areas and by the Director of the Opium Contraband Department in the case of railway lands.

CHAPTER XII

RULES REGULATING THE INTERPROVINCIAL IMPORT, INTERPROVINCIAL EXPORT AND TRANSPORT AND POSSESSION, ETC., OF MANUFACTURED DRUGS OTHER THAN PREPARED OPIUM

Section 8 (2)

76 (1) These rules may be cited as the Central India Adminis-^{Notfn}
tered Areas Dangerous Drugs Rules. They shall relate to — No 3216 C
d 19 6 33

- (a) the interprovincial import and export into and from the Administered Areas in Central India, the transport, possession and sale of manufactured drugs other than prepared opium, and of coca leaf, and
- (b) the manufacture of medicinal opium or of any preparation containing morphine diacetyl morphine or cocaine from materials which the maker is lawfully entitled to possess

Definitions

(2) In these rules unless there is something repugnant in the subject or context —

- (1) the "Act" means the Dangerous Drugs Act, 1930
- (2) The expressions "interprovincial import and export into and from the Administered Areas in Central India", "transport", "manufactured drugs", "prepared opium", "coca leaf", "medicinal opium", "morphine", "diacetyl morphine" and "coca derivatives" shall have the same meanings as have been assigned to them under section 2 of the aforesaid Act
- (3) "Approved practitioners" mean —
 - (i) any person registered as a medical practitioner either under the Medical Act, 1858, or the Dentists' Act, 1878, and any Act of Parliament amending the same, or
 - (ii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act 1858, the Dentists' Act, 1878, and any Act of Parliament amending the same Acts or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the Excise Commissioner in Central India for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India
 - (iii) any other person engaged in medical or veterinary practice and approved by the Excise Commissioner in Central India for the purpose of these rules or of corresponding rules for the time being in force in any part of British India

- (4) "Prescription" means a prescription prepared by an approved practitioner for the supply of a manufactured drug to a patient.
- (5) "Licensed chemist" means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of (a) opium derivatives other than prepared opium, and for the manufacture of medicinal opium or of any preparation containing morphine or diacetylmorphine from materials which the maker is lawfully entitled to possess or (b) of coca derivatives.
- (6) "Excise Commissioner" means the officer appointed by the Agent to the Governor General in Central India under section 7 (a) of the Excise Regulation, 1915, as applied to the Administered Areas in Central India.
- (7) "Local Excise Authority" means the officer appointed by the Agent to the Governor General in Central India under section 7 (b) of the Excise Regulation, 1915, as applied to the Administered Areas in Central India in charge of the Excise administration of a Cantonment.
- (8) "Ounce" means an ounce avoirdupois containing 437½ grains.

I.—Interprovincial import.

(3) A manufactured drug, other than prepared opium, may be imported interprovincially :—

- (a) on account of Government,
- (b) by an approved practitioner to the extent to which he is entitled to possess such drugs under these rules,
- (c) by a licensed chemist to the extent to which he is entitled to possess such drugs under these rules.

(4) Manufactured drugs except coca derivatives or prepared opium may also be imported interprovincially :—

- (a) by any person to the extent to which he may lawfully possess the drugs under these rules, and
- (b) on a permit issued by the Excise Commissioner in Central India, by an approved practitioner, manager or superintendent in charge of a hospital or dispensary to such extent as may be certified by the Chief Medical Officer in Central India.

(5) Coca derivatives may similarly be imported from other provinces interprovincially by such persons, institutions and managers or officers in charge of hospitals and dispensaries as have been specially authorised by notifications by the Local Government to possess these drugs to the extent to which they are entitled to possess.

NOTE.—The list of persons, institutions, etc., authorised is appended to these rules.

(6) No manufactured drug can be imported interprovincially in Administered Areas in Central India unless a permit and a certificate (where necessary) as provided hereunder have first been obtained —

- (i) the importer shall obtain for the importation, a permit from the Excise Commissioner which shall state —
 - (a) the name and address of the exporting firm,
 - (b) the quantity of the manufactured drugs, other than prepared opium to be imported,
 - (c) the quantity of the drug the importer is entitled to possess, and
 - (d) the amount or percentage of diacetyl morphine or morphine or cocaine contained in each preparation to be imported together with the name of each preparation or admixture

(7) The import of manufactured drugs by post from another province of British India shall be subject to the following further conditions —

- (a) only the parcel post shall be used and parcel shall be insured,
- (b) the import shall be covered by a permit granted by the Excise Commissioner in the manner indicated in rule 6,
- (c) the parcels shall be accompanied by a declaration stating the names of the importer and the exporting firm, the contents of the parcel in detail, the number and date of the permit referred to in clause (b) above and the number of the license held by the exporting firm,
- (d) the importer shall show distinctly in his account books the name and address of the exporting firm and the quantity of drugs imported by him from time to time by post

NOTE —The post office shall not deliver a parcel to the importer unless he produces a permit mentioned in clause (b) above. If the conditions in clauses (a) and (b) are not satisfied they shall return it to the post office where it was posted

(8) The import of drugs from any province of British India or Indian State as far as permitted by these rules, is in all cases subject to the condition that the importer shall comply with the rules for the time being in force in the province or the State of export

(9) Save as provided in the foregoing rules the interprovincial import of manufactured drugs into the Administered Areas of Central India is prohibited

II.—Interprovincial export.

(10) Manufactured drugs other than prepared opium may be exported on account of Government.

(11) Manufactured drugs other than prepared opium may also be exported by licensed chemists specially authorised by the orders of the Excise Commissioner to export the drugs to the extent and in the manner authorised in the order, provided that :—

(a) in the case of export to a district in British India, a permit granted by the Chief Revenue Authority of that district is produced,

(b) in the case of export to an Indian State, a permit from the Chief Revenue Officer of the State or other State Officer specially appointed on this behalf is produced.

(12) The interprovincial exports of manufactured drugs other than prepared opium whether by post or otherwise shall be subject to such further conditions as the Government of the importing province may prescribe.

(13) Save as provided in the foregoing rules the interprovincial export of manufactured drugs is prohibited.

III.—Transport of manufactured drugs.

(14) The transport of coca derivatives may be made only by such persons as have been exempted from the general prohibition relating to the possession of these drugs and to the extent of such quantities as have been prescribed for them, provided that no permit shall be required for the transport by private individuals of manufactured drugs dispensed by a licensed chemist on the prescription of an approved practitioner.

(15) Manufactured drugs, other than prepared opium or coca derivatives, may also be transported, on an indent counter-signed by the Chief Medical Officer in Central India, by an approved practitioner, and by any manager or supervising authority of a hospital or dispensary to such extent and in such manner as may be authorised by the Excise Commissioner.

(16) The transport of manufactured drugs by licensed chemists shall be covered by a permit granted by the Local Excise Authority of the area to which the manufactured drug is to be transported, provided that no permit shall be required for the transport of manufactured drugs from another chemist in the same Administered Area.

(17) The transport of manufactured drugs by post shall be made only by licensed chemists under the following conditions :—

(1) only the parcel post shall be used and the parcels shall be insured ;

- (2) the transport shall be covered by a permit granted in duplicate by the Local Excise Authority of the area to which or within which the drugs are to be transported ,

NOTE —This permit shall also have to be obtained by a licensed chemist in the case of transport otherwise than by post

- (3) the parcel shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcel in detail, and the number and date of the permit referred to in sub clause (2) above

NOTE —The post office shall not accept the parcel unless the above conditions are satisfied and the consignor produces the permit mentioned above. They shall likewise not deliver it to the consignee unless he produces the duplicate copy of the permit

IV — Possession

(18) The possession of coca and of opium derivatives other than prepared opium is prohibited throughout the Administered Areas of Central India

I —Provided that this prohibition shall not extend to possession by —

(a) A licensed chemist,

- (i) in the case of coca derivatives to the extent of one ounce or such larger quantity as may in special cases be sanctioned by the Excise Commissioner ,

- (ii) in the case of opium derivatives, such quantity as may be specified in his license ,

(b) an approved practitioner for use in his practice but not for sale,

- (i) in the case of coca derivatives to the extent of half an ounce or such larger quantity as may in special cases be sanctioned by the Excise Commissioner , and

- (ii) in the case of opium derivatives to the extent of 120 grains in the aggregate,

(c) officers in charge, or managers, as the case may be, of the hospitals mentioned in the list appended to these rules for use in their hospitals and dispensaries, upto such an amount as may be specified in the order of the Excise Commissioner authorising him to possess such drugs,

(d) private individuals to the extent of such quantity as has been at one time prescribed, dispensed and sold for his use

in accordance with the provisions of his license by a licensed chemist.

NOTE.—(1) In the case of coca derivatives, the limits of possession prescribed by the above proviso shall be determined by the percentage or amount of cocaine contained in such preparations or admixtures.

NOTE.—(2) Every bottle or package containing coca derivatives shall bear a label showing the percentage or proportion of the cocaine content to the total contents of the bottle or package.

II.—Provided also that members of the professions, who, as described above, are qualified to possess and use opium and coca derivatives and medicinal hemp in the exercise of their profession, shall not within a calendar year use or prescribe more than the amount which they themselves are permitted to possess at one time, and all such use or prescription shall be strictly for professional purposes only.

(19) The Local Government may exclude from the privilege of possessing and prescribing manufactured drugs conferred by rule (18), any medical or veterinary practitioner or the manager of any institution who in their opinion, has abused such privilege.

(20) In the case of preparations or admixtures of manufactured drugs the limits of possession prescribed by rule 18 shall be determined by the percentage or amount of morphine, diacetyl morphine or cocaine contained in such preparations or admixtures.

(21) Opium derivatives other than prepared opium may be sold without a license by an approved practitioner to his patients on his own prescription from his own dispensary. Provided that this exemption shall only apply to a dispensary owned by an approved practitioner, where no prescriptions except his own are dispensed. Provided further that the approved practitioner shall file and preserve all prescriptions so dispensed at the dispensary.

V.—*Prohibitions.*

(22) The interprovincial import and export into and from the Administered Areas in Central India, the possession and sale of coca leaf is prohibited throughout the Administered Areas in Central India.

VI.—*Exemptions.*

(23) Nothing in these rules shall be deemed to extend to such manufactured drugs as have been declared to be unrestricted by the Governor-General in Council under this Act or under the Sea Customs Act.

APPENDIX

Permit for the interprovincial import of manufactured drugs other than prepared opium

(Rule 7)

Permit granted to

(here state name and designation of the consigner) to import
from or via (here state locality and district)
in

(here state locality and district) manufactured drugs other than
prepared opium to the amount of
as specified below (here state description and weight or quality of
each class of drugs to be imported)

This permit must be used within

from the date of its issue

This permit shall be delivered on arrival of the drugs at its
destination to
(here enter official designation of the person to whom the pass is to be
delivered)

The bulk of the consignment shall not be broken in transit

Excise Commissioner

Dated

in Central India

NOTE—Before the drugs covered by this permit exported from the
Bombay Presidency, this permit must be presented by the holder or his
recognised agent to the Collector of Customs Bombay or Karachi as the case
may be in the case of the drugs to be imported direct from the Custom house
at Bombay or Karachi and in other cases to the Collector of the district of
export and the export pass must be completed and signed by such officer

IMPORT CERTIFICATE

(INTERNATIONAL OPIUM CONVENTION, CERTIFICATE OF OFFICIAL
APPROVAL OF IMPORT)

(Rule 7)

I hereby certify that the Agent to the Governor General in
Central India being the authority charged with the administration
of the law relating to the dangerous drugs to which the International
Opium Convention of 1925 applies, has approved the importation
by (a) (name, address and
business of importer) or (b)
(exact description and amount of drug to be imported) from
(c) (name and address of

firm in exporting country or province from which the drug is to be obtained) subject to the following conditions (d)

(state any special conditions to be observed)

and is satisfied that the consignment proposed to be imported required :—

- (1) for legitimate purposes (in the case of raw opium) ;
- (2) solely for medicinal or scientific purposes (in the case of drugs to which Chapter III of the convention applies and Indian hemp).

Signed on behalf of the Agent to the Governor General in Central India.

Signature

Official rank.

Date

List of hospitals and dispensaries authorised to possess cocaine.

[Rule 18(c).]

1. King Edward Hospital, Indore.
2. The Indore Civil Area Dispensary.
3. The Malwa Bhil Corps Hospital, Indore.
4. The Daly College Hospital, Indore.
- 5 The Central India Agency Jail Dispensary, Indore.
6. The Civil Hospital, Nowgong.
7. The Cantonment General Hospital, Neemuch.
8. The Canadian Presbyterian Mission (Women's) Hospital, Neemuch.
9. Cantonment General Hospital, Mhow.

CHAPTER XIII

SALE OF MANUFACTURED DRUGS OTHER THAN PREPARED OPIUM

A — End of manufactured drugs

77 (1) The Excise Commissioner may grant to any person a chemist's license—

Notn
No 3216
d 19 6 33

(a) in form D D 1 for the manufacture possession and sale of opium derivatives other than prepared opium on prescription in accordance with the conditions specified in the license

(b) in form D D 2 for the possession and sale of coca derivatives and medicinal hemp in accordance with the conditions specified in the license

(2) The Excise Commissioner may cancel or suspend a license granted by him under these rules —

(i) if the licensee has—

(a) failed to pay any fee payable by him

(b) by himself or by any servant or person acting on his behalf, committed any breach of the conditions of such license or order under these rules

(c) been convicted of any offence under the Act or under the Law for the time being in force relating to excise revenue or opium or of any criminal offence which in the Excise Commissioner's opinion renders him unfit to hold the license

(ii) if for other reasons to be recorded he considers it desirable that the license should be cancelled in which case he should give to the licensee fifteen days notice

(3) Any holder of a license granted under these rules may surrender his license on the expiration of fifteen days notice in writing given by him to the Excise Commissioner of his intention to surrender the same

(4) When a license has been cancelled suspended or surrendered under rules (2) or (3) the person who held the license shall forthwith make over to the Excise Commissioner or any officer deputed by him on this behalf, all manufactured drugs in his possession. The Excise Commissioner shall cause samples of the drugs so surrendered to be examined by the Chemical Examiner. The cost of examination shall be borne by the owner. If the drugs are certified by such officer to be fit for use the Excise Commissioner may sell them to any chemist licensed under these rules. The Excise Commissioner may require any licensed chemist to purchase subject to the conditions of this license at a reasonable price not exceeding the prevailing market price at the time such quantity of

the drugs as the Excise Commissioner may determine to be saleable ordinarily by him in two months. If the Chemical Examiner certifies any such drug to be unfit for use the Excise Commissioner shall cause it to be destroyed.

(5) The Excise Commissioner may accept from a licensed chemist whose license is liable to be cancelled under sub-clause (a) or clause (b) of rule 23 payment of a sum of money not exceeding Rs. 200 in lieu of such cancellation. When such payment has been duly made no further proceedings shall be taken against the licensed chemist in respect of any act or omission so compounded.

(6) Every licensed chemist shall be bound to produce his license, accounts and prescriptions relating to manufactured drugs in respect of which he holds a license, when demanded by the Local Excise Authority or any Officer of the Excise Department not below the rank of an Excise Sub-Inspector.

(7) The fee payable for each license shall be one rupee, or such larger sum as the Agent to the Governor General in Central India may prescribe, for each excise year or portion thereof.

B.—*Cultivation and manufacture.*

Notfn.
No. 3216-C.,
d. 19-6-33.

78. (1) A licensed chemist may manufacture opium derivatives, other than prepared opium, from opium or opium derivatives lawfully possessed by him.

Notfn.
No. 3216-C.,
d. 19-6-33.

(2) A licensed chemist may manufacture medicinal preparations containing cocaine from cocaine lawfully possessed by him.

79. (1) As patharphor opium is consumed in most States in Central India and also in Rajputana the Government of India, in order to meet the future demand after the present stocks of surplus Mewar opium have been exhausted, have sanctioned the establishment of an Opium Factory at Neemuch for the manufacture of such opium.

(2) The following rules under sub-sections (2) and (3) of section 5 of the Dangerous Drugs Act have been framed by the Governor-General in Council to regulate the cultivation and manufacture of opium in the Administered Areas in Central India and the sale of opium from the Government Opium Factory at Neemuch.

Foreign and
Political
Department
Notfn.
No.
d.

In exercise of the powers conferred by sub-sections (2) and (3) of section 5 of the Dangerous Drugs Act, 1930 (II of 1930) as applied to the Administered Areas in Central India, the Governor General in Council is pleased to make the following rules, namely :—

1. (1) These rules may be called the Central India Administered Areas Opium Rules, 1934.

(2) They shall come into force on the whereupon all rules made by whatever authority under an enactment specified in the first three columns of Schedule II to the Dangerous Drugs Act, 1930 (II of 1930) and for a

purpose specified in sub section (2) or sub section (3) of section 5 of the said Act shall be cancelled, except as regards anything done, or any offence committed or any fine or penalty incurred, or any proceedings instituted before the said date

2 The poppy shall not be cultivated anywhere in the Adminis-
tered Areas in Central India

3 Opium shall not be manufactured anywhere in the Adminis-
tered Areas in Central India save in the Neemuch Cantonment
Provided that with the special permission of the Governor General
in Council opium purchased from the Government Factory at
Neemuch may be remanufactured by or on behalf of a Local Govern-
ment in the form of tablets or pills for sale as Excise opium Pro-
vided further that opium mixtures may be manufactured from raw
opium lawfully possessed by persons authorised by the Agent to the
Governor General in Central India under the rules prescribed for the
purpose

4 Opium shall not be manufactured in the Neemuch Canton-
ment save by the Joint Opium Officer Malwa States an officer of
the Opium Department at the Government Factory Provided
that opium mixtures may be manufactured from raw opium law-
fully possessed by persons authorised by the Agent to the Governor
General in Central India

5 The sale of opium from the Government Factory at Neemuch
for export is prohibited save (1) when the export is on behalf of the
Governor General in Council or (2) when the export is to a State
in India on a permit countersigned by the Political Officer acce-
dited to the State

6 The sale of opium from the Government Factory at Neemuch
to Local Governments is prohibited save under the orders of the
Governor General in Council

7 The sale of opium from the Government Factory at Neemuch
to manufacturing Chemists is prohibited

8 The sale of opium mixtures is prohibited

CHAPTER XIV.

APPLICATION OF THE DANGEROUS DRUGS ACT TO THE RAILWAY LANDS IN CENTRAL INDIA.

A.—Introductory.

80. The Law, Dangerous Drugs Act (Act II of 1930), was made applicable to the Railway Lands in Central India and Rajputana by order of the Governor General in Council issued under Foreign and Political Department Notification No. 415-I, dated the 1st August 1932. The main principles underlying the application of the Act to these areas are explained in paragraph 257 of Volume I of the Manual. No licenses are therefore issued in Railway lands for the manufacture, possession and sale of opium derivatives, or for the sale of coca derivatives and medicinal hemp. Similarly the cultivation of the poppy (*papaver somniferum* L.) and that of coca plant and the manufacture of opium within the Railway lands in Central India is also prohibited. Amendments have been made to certain sections of the Act to make it suitable for application to the Railway lands and rules have also been framed separately regulating (a) the interprovincial import and export into and from the Railway Lands in Central India, also the transport, possession and sale of manufactured drugs other than prepared opium, and of coca leaf, in such areas, (b) the manufacture of medicinal opium or of any preparation containing morphine, diacetyl morphine or cocaine from materials which the maker is lawfully entitled to possess and (c) the grant of powers to the officers of the Excise, Police and Opium Contraband Department to be exercised by them for the prevention and detection of offences under the said law. Separate rules have been framed governing the manufacture and possession of prepared opium from opium lawfully possessed under section 4 (2) of the Dangerous Drugs Act as amended by the new enactment Dangerous Drugs (Amendment) Act of 1933.

81. The following Amendments have been made in Notification No. 415-I, dated the 1st August 1932 in applying the Dangerous Drugs Act (Act II of 1930) to the Railway Lands in Central India and Rajputana

Section
of the
Act.

Amendments.

2

In section 2 for clauses (i) to (m) the following clauses shall be substituted, namely :—

(i) ' to import into the Rajputana and Central India Railway lands ' means subject to the provisions of clause (j), to bring into the Rajputana Railway lands or the Central India Railway lands by land, sea or air ;

(j) ' to import inter-provincially ' means to bring into the Rajputana Railway lands or the Central India Railway lands from the Central India Railway lands

governing the manufacture and
similar for both the areas (Noti-
fication October 1934). The list of
railway lands in Central India
is as follows under rule 18 (c) is as

Way dispensary at Bhopal.

Way dispensary at Berkhera.

al India Railway dispensary at

al India Railway dispensary at

al India Railway dispensary at

al India Railway dispensary at

al India Railway dispensary at

POWERS

Section 23

84 Officers of the Excise Department of and above the rank of Sub Inspectors officers of the Police Department of and above the rank of Head Constable and officers of the Opium Contraband Department of and above the rank of Jemadars are authorised to exercise the powers under sub section I of section 23 of the Act when acting under that section

Section 30

85 All officers of the Excise Department of and above the rank of Sub Inspectors and all officers of the Rajputana and Central India Opium Contraband Department of and above the rank of Jemadars are invested with the powers of an officer in charge of a Police Station for the investigation of offences under section 30 of the Act

Section 34 (2)

86 The Railway Magistrates at Ajmer and Hoshangabad are authorised to make enquiries give decisions and pass orders under section 34 (2) of the Act in the case of articles seized in their respective areas

*Rewards and Confiscation**

87 Paragraph 75 of this Manual may be consulted

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APPENDIX A.

of clause (g) of section 2 of the *Cy. Govt. of India (Central Revenues)* 1930) and of the recommendations of the *League of Nations under article 10* of the Geneva Convention, the Governor General in Council is pleased to declare the following narcotic substances to be manufactured drugs, namely —

Notifn No. 2, d 10 1 31, as amended by Notifn. No 4, d 27 8 32.

- (1) The following opium derivatives, namely, eucodal and dicodide, and their respective salts and any preparation, admixture and extract containing either of them,
- (2) The following narcotic drugs, namely, dilauidide, and benzoyl morphine and other esters of morphine, and salts and preparations of dilauidide, benzoyl-morphine and other esters of morphine, and
- (3) Acedicone and its salts and preparations,
- (4) All the esters and salts of ecgonine
- (5) Thebaine and its salts
- (6) Dihydrohydroxycodeinone, dihydro codeinone, dihydro-morphinone, acetyldihydrocodeinone or acetydemethylo, dihydrothebaine, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine—N—oxide (commonly known as genomorphine), the morphine—N—oxide derivatives
- (7) Methylmorphine commonly known as codeine, and ethyl-morphine, commonly known as dioun, and their respective salts;
- (8) Other ethers of morphine (including benzyimorphine) and their respective salts.

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APPENDIX A.

In pursuance of sub clause (ii) of clause (g) of section 2 of the *Cy. Govt. of India (Central Dangerous Drugs Act, 1930* (II of 1930) and of the recommendations of the Health Committee of the League of Nations under article 10 of the Geneva Convention, the Governor General in Council is pleased to declare the following narcotic substances to be manufactured drugs, namely —

- (1) The following opium derivatives, namely, codeine and codeine, and their respective salts and any preparation, admixture and extract containing either of them,
- (2) The following narcotic drugs, namely, diacetylmorphine, and benzoyl morphine and other esters of morphine, and salts and preparations of diacetylmorphine, benzoyl morphine and other esters of morphine, and
- (3) Acetone and its salts and preparations,
- (4) All the esters and salts of acetone
- (5) Thebaine and its salts.
- (6) Dihydrohydroxycodone, dihydro codeine, dihydro-morphine, acetyldihydrocodeine or acetyldiacetylmorphine, dihydrothebaine, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine—N—oxide (commonly known as nemorphone), the morphine—N—oxide derivatives.
- (7) Methylnorphine commonly known as codeine, and ethylnorphine, commonly known as diacetylmorphine, and their respective salts;
- (8) Other ethers of morphine (including benzylmorphine) and their respective salts,

Preparation.

Composition.

8. Linimentum opii (see formula under 5) mixed with any other liniment of the British Pharmacopoeia or of the British Pharmaceutical Codex
9. Linimentum opii ammoniacum
 Ammoniacum liniment of sample 2
 Tincture of opium 3
 Liniment of belladonna 5
 Strong solution of ammonia 5
 Liniment of soap 10
10. Linimentum opii ammoniacum (see formula under 9) mixed with any other British Pharmacopoeia or British Pharmaceutical Codex liniment
11. Caustic "Nerve Paste"
 Preparation contains by weight 10 parts of phosphoric acid, 2 of morphine and even neutral salt at least 2 per cent, of arsenic acid and made up with the requisite quantity of treacle to give it to produce the consistency of a paste
12. Diarrhoea pills
 Camphor 0.015 gramme
 Lead acetate 0.012 "
 Bismuth subnitrate 0.172 "
 Tannic acid 0.015 "
 Opium powder 0.004 "
13. Pilulae digitalis et Opii compositae
 Digitalis leaves in powder 0.31 gramme.
 Opium in powder 0.15 "
 Ipecacuanha root, in powder 0.13 "
 Quinine sulphate 0.78 "
 Syrup of glucose a sufficient quantity to make 12 pills
14. Pilulae hydrargyri cum opio.
 Mercury 11 3.82 grammes
 Opium in powder 0.19 gramme
 To make 12 pills
15. Pilulae hydrargyri cum Creta et Opio
 Mercury with alkali 0.74 gramme
 Compound powder of ipecacuanha 0.78 "
 Milk sugar a sufficient quantity
 Syrup of glucose a sufficient quantity
 To make 12 pills
16. Pilulae ipecacuanhae cum Scilla
 Compound powder of ipecacuanha (see formula under 21) 30 grammes.
 Squill in powder 10 "
 Ammoniacum in powder 10 "
 Syrup of glucose a sufficient quantity
17. Pilulae hydrargyri bichlorati cum Opio extra to
 Bichloride of mercury trituated 10 centigrammes.
 Extract of opium 20 "
 Extract of couch grass 20 "
 Licorice root in powder q.s. for 10 pills.
18. Pilulae hydrargyri iodati cum Opio pulvere
 Hydragrum iodatum freshly prepared 50 centigrammes
 Opium powder 20 "
 Powdered licorice 40 "
 White honey q.s. for 10 pills

Preparation.	Composition.
19. <i>Pilulaopiumbi cum Opio</i>	Lead acetate, in powder .. 80 Opium, in powder .. 12 Syrup of glucose or a sufficient quantity .. 8
20. <i>Pilulae terebinthinae compositae.</i>	Opium .. 0.5
21. <i>Pulvis ipecacuanhae compositus</i> (Dover's powder).	Ipecacuanha root, in powder .. 10 Opium, in powder .. 10 Potassium sulphate, in powder .. 80
22. Mixtures of Dover's powder (see formula under 21) with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate.	
23. <i>Pulvis ipecacuanhae compositus</i>	Kino, in powder .. 75 Opium, in powder .. 5 Cinnamon bark, in powder .. 20
24. Sterilized Solutions of Morphin and Atropine in Ampoules of 1.1 cc. having a maximum content of 2 per cent. of morphine salts and a minimum content of 0.05 per cent. of atropine salts.	
25. <i>Suppositoria plumbi composita.</i>	Lead acetate, in powder .. 2.4 Opium, in powder .. 0.8 Oil of theobroma, a sufficient quantity for 12 suppositories each weighing about 1 gramme.
26. <i>Coryza Tablets No. 2</i>	Powdered opium .. 0.0043 Quinine sulph .. 0.022 Ammon. chlor .. 0.022 Camphor .. 0.022 Ext. belladonna leaves .. 0.0043 Ext. aconite root .. 0.0043
27. <i>Diarthra Tablets No. 2</i>	Powdered opium .. 0.016 Camphor .. 0.016 Powdered ipecacuanha .. 0.008 Lead acetate .. 0.011
28. <i>Dysentery Tablets</i>	Powdered opium .. 0.013 Powdered ipecacuanha .. 0.0648 Powdered calomel .. 0.0324 Lead acetate .. 0.0324 Bismuth betanaphthol .. 0.01944
29. <i>Tabella hydragryi cum Opio.</i>	Mercurous chloride powder .. 0.065 Antimony oxide powder .. 0.065 Ipecacuanha—root powder .. 0.065 Powdered opium .. 0.065 Milk sugar .. 0.065 Gelatinic solution, a sufficient quantity to make 1 tablet.

Preparation.	Composition.	
30 Tabella plumbi cum Opio	Sugar of lead Powdered opium Gelatine solution, a sufficient quantity to make 1 tablet.	0 195 gramme 0 065 "
31 Tablettae plumbi cum Opio	Lead acetate, in fine powder Opium, in powder Refined sugar, in powder Ethereal solution of theobroma Alcohol	19 44 " 3 24 " 6 48 " 3 60 mils 0 90 mil
32 Unguentum gallae compositum	Galls, in very fine powder Extract of opium Distilled water Wool fat Soft paraffin, yellow	33 4 16 10 50
33 Unguentum gallae compositum (see formula under 32) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex		
34 Unguentum gallae cum Opio.	Gall ointment Opium in powder	02 5 grammes. 7 5 "
35 Unguentum gallae cum Opio (see formula under 34) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex.		
36 Yalren 195 (Iodoxyquinoline sulphonic acid) with 5 per cent. opium ad mixture		
(b) Cocaine Preparations		
1 Bernatzik's Injections	(a) Hydrargyrum bityanatum Cocainum. (b) Hydrargyrum succinatam Cocainum	0 03 0 002 0 03 0 01
2 Stila's Injections	(a) Hydrargyrum succinatam Cocainum muraticum (b) Hydrargyrum succinatam Cocainum muraticum	0 03 0 01 0 05 0 03
3 Natrium biboracicum compositum cum Cocaino	In tablets compressed tablets lozenges, pastilles and the like difficult to break up and containing not more than 0.2 per cent of cocaine salts in conjunction with not less than 20 per cent borax and not less than 20 per cent. antipyrine or some similar analgesic, and not more than 40 per cent of flavouring matter. Maximum weight of each tablet, etc., 1 gramme	
4. Caustic Nerve Pastes		

Preparation.

Composition.

5. Cocaine and Atropine Tablets.	Atropinum sulphuricum ..	0.0003	gramme.
	Cocainum hydrochloricum ..	0.0003	"
	Manite ..	0.003	"
	Weight of one tablet ..	0.0036	grammes.
	Cocaine content 8.3 per cent.		

Voice Tablets

..	Potassium chloricum ..	0.0025	"
..	Borax ..	0.335	"
..	Cocainum ..		
..	Weight of one tablet ..		

(c) Heroin Preparations.

1. Elixir camphorace composite.	Camphor ..	4	grains.
	Oil of anise ..	5	minims.
	Benzoic acid ..	6	grains.
	Diamorphine hydrochloride ..	4	minims.
	Liquid extract of ipecacuanha ..	120	"
	Tincture of squill ..	1½	fl. ounces.
	Simple syrup to 20 fl. ounces.		
2. Elixir diamorphine et Terpin, with Apomorphine.	Apomorphine hydrochloride ..	5	grains.
	Terpin hydrate ..	44	fl. ounce.
	Alcohol ..	10	"
	Glycerine ..	5	"
	Syrup of wild cherry to 20 fl. ounces.		
3. Linctus Diamorphine with Ipecacuanha.	Liquid extract of ipecacuanha ..	120	minims.
	Diamorphine hydrochloride ..	4	grains.
	Tincture of hyoscyamus ..	1½	fl. ounces.
	Spirit of chloroform ..	1½	"
	Syrup of balsam of tolu ..	3	"
	Syrup of wild cherry ..	3	"
	Glycerine to 20 fl. ounces.		
4. Linctus energe composite.	Liquid extract of senega ..	1	fl. ounce.
	Liquid extract of squill ..	1	"
	Tarated antimony ..	8	grains.
	Diamorphine hydrochloride ..	4	grains.
	Simple syrup to 20 fl. ounces.		
5. Linctus thymi composite	Diamorphine hydrochloride ..	4	grains.
	Apomorphine hydrochloride ..	5	"
	Distilled water ..	1	fl. ounce.
	Liquid extract of thyme (T-I) ..	5	"
	Solution of tolu ..	1½	fl. ounces.
	Glycerine to 20 fl. ounces.		
(d) Diodide preparations.			
1. Cardiazol-Diodide Solutions.	Solutions containing not less than 10 per cent. of cardiazol and not more than 0.5 per cent. of diiodide salts.		
(e) Eucodal preparations.			

1. Anti-Opium Tablets

..	Eucodal ..	1	gramme.
..	Pulvis gentianae ..	35	"
..	Pulvis ipecacuanhoe ..	20	"
..	Quinine sulphate ..	20	"
..	Cafeine ..	5	"
..	Sugar of milk ..	25	"
..	Fix up and make up 5 grains tablet.		

Preparation

Composition.

* Tablets B. R. Compound	Berberis vulgaris powder	0 0324	gratome
	Nuxvomica	0 013	,
	Eucodal	0 0032	,
	Ipecacuanha	0 0019	"
	Rhubarb	0 013	"
	Pulvis cinnamoni compos itus	0 0324	"
	Aromatic chalk	0 0032	,

- 3 Sterilised Solutions of
Eucodal and Atropine
having a maximum con-
tent of 2 per cent of eucod-
al salts and a minimum
content of 0 05 per cent
of atropine salts.

Preparation.	Composition.
5. Cocoa and Atropine Tablets, with a content of not more than 0.0003 gramme of cocaine salts and less than 0.0003 gramme of atropine salts to each tablet.	Atropinum sulphuricum .. 0.0003 gramme. Coccainum hydrochloricum .. 0.0003 Mannite .. 0.003 Weight of one tablet .. 0.0036 grammes.
Voice Tablets	Potassium chloricum .. Borax .. Coccainum .. 0.00025 Weight of one tablet .. 0.335
(c) Heroin Preparations.	
1. Elixir camphoroe compositum.	Camphor .. 4 grains. Oil of anise .. 5 minims. Benzoic acid .. 6 grains. Diamorphine hydrochloride .. 4 minims. Liquid extract of ipecacuanha .. 120 Tincture of squill .. 1½ fl. ounces.
2. Elixir diamorphine et Terpin, with Apomorphine.	Apomorphine hydrochloride .. 5 grains. Terpin hydrate .. 44 Alcohol .. 10 fl. ounce. Glycerine .. 5 Syrup of wild cherry to 20 fl. ounces.
3. Linctus Diamorphinœ with Ipecacuanha.	Liquid extract of ipecacuanha .. 120 minims. Diamorphine hydrochloride .. 4 grains. Tincture of hyoscyamus .. 1½ Spirit of chloroform .. 1½ Syrup of balsam of tolu .. 3 Syrup of wild cherry .. 3 Glycerine to 20 fl. ounces.
4. Linctus enegoe compositus.	Liquid extract of senege .. 1 fl. ounce. Liquid extract of squill .. 1 Tartered antimony .. 8 grains. Diamorphine hydrochloride .. 4 Simple syrup to 20 fl. ounces.
5. Linctus thymi compositus	Diamorphine hydrochloride .. 4 grains. Distilled water .. 1 fl. ounce. Liquid extract of thyme (T-I) .. 5 Solution of tolu .. 1½ fl. ounce. Glycerine to 20 fl. ounces.
(d) Diiodide preparations.	
1. Cardiazol-Diiodide Solutions.	Solutions containing not less than 10 per cent. of cardiazol and not more than 0.5 per cent. of diiodide salts.
(e) Eucodal preparations.	
1. Anti-Opium Tablets	Eucodal .. 1 gramme. Pulvis gentianœ .. 35 Pulvis ipecacuanhœ .. 20 Quinine sulphate .. 20 Caffeine .. 5 Sugar of milk .. 25 Mix up and make up 5 grains tablets.

Preparation.	Composition.
3. Cocaine and Atropine Tablets , with a content of not more than 0.0003 gramme of cocaine salts and not less than 0.0003 gramme of atropine salts to each tablet.	Atropinum sulphuricum 0.0003 gramme. Coccinum hydrochloricum 0.0003 " Mannito 0.003 " Weight of one tablet 0.0036 grammes. Cocaine content 8.3 per cent.
Voice Tablets ..	Kalium chloricum Borax Cocainum 0.00025 " Weight of one tablet 0.335
(c) Heroin Preparations.	
1. Elixir camphorae compositum.	Camphor 4 grains. Oil of anise 5 minims. Benzoic acid 6 grains. Diamorphine hydrochloride 4 " Liquid extract of ipecacuanha .. 120 minims. Tincture of squill 1½ fl. ounces. Simple syrup to 20 fl. ounces.
2. Elixir diamorphine et Terpini , with Apomorphine.	Apomorphine hydrochloride .. 5 grains. Diamorphine hydrochloride .. 4 Terpin hydrate 44 Alcohol 10 fl. ounce. Glycerine 5 " Syrup of wild cherry to 20 fl. ounces.
3. Linctus Diamorphineae with Ipecacuanha.	Liquid extract of ipecacuanha .. 120 minims. Diamorphine hydrochloride .. 4 grains. Tincture of hyoscyamus 1½ fl. ounces. Spirit of chloroform 1½ " Syrup of balsam of tolu 3 " Syrup of wild cherry 3 " Glycerine to 20 fl. ounces.
4. Linctus senegae compositus.	Liquid extract of senega 1 fl. ounce. Liquid extract of squill 1 " Tatarated antimony 8 grains. Diamorphine hydrochloride .. 4 " Glycerine 2 fl. ounces. Simple syrup to 20 fl. ounces.
5. Linctus thymi compositus	Diamorphine hydrochloride .. 4 grains. Apomorphine hydrochloride .. 5 " Distilled water 1 fl. ounce. Liquid extract of thyme (I-I) .. 5 " Solution of tolu 1½ fl. ounce. Glycerine to 20 fl. ounces.
(d) Dicodide preparations.	
1. Cardiazol-Dicodide Solutions.	Solutions containing not less than 10 per cent. of cardiazol and not more than 0.5 per cent. of dicodide salts.
(e) Eucodal preparations.	
1. Anti-Opium Tablets ..	Eucodal 1 gramme. Pulvis gentianae 35 " Pulvis ipecacuanhae 20 " Quinine sulphate 20 " Caffeine 5 " Sugar of milk 25 " Mix up and make up 5 grains tablets.

Preparation.

Composition.

• Tablets B. B. Compound	Berberis vulgaris powder	0 0324	gramme
	Nuxvomica	0 013	"
	Eucodal	0 0032	"
	Ipecacuanha	0 0648	"
	Rhubarb	0 013	"
	Pulvis cinnamomi compositus	0 0324	"
	Aromatic chalk	0 0032	"
3 Sterilised Solutions of			
Eucodal and Atropine			
having a maximum con-			
tent of 2 per cent. of euco-			
dal salts and a minimum			
content of 0 05 per cent			
of atropine salts.			

APPENDIX C.

Government
of India
Notification
No. 316-1.,
dated 17-7-34.

In pursuance of sub-clause (i) of clauses (j) and (l) of section 2 of the Dangerous Drugs Act, 1930 (II of 1930), as applied to the Administered Areas in Central India, the Governor General in Council is pleased to declare that the bringing and taking of a dangerous drug into and from the Administered Areas specified in column 1 of the Schedule hereto annexed from the territory or territories specified in the corresponding entry in the column 2 of the said Schedule, each such territory being the territory of a Prince or Chief which is adjacent to or enclosed by the territories of the said Administered Areas, shall be inter-provincial import or inter-provincial export respectively.

Schedule.

Area of the Administered Areas in Central India.	Territory of Prince or Chief.
Mhow Cantonment	Indore, Gwalior.
Indore Residency Civil Area	Indore.
Neemuch Cantonment	Gwalior, Tonk, Mewar.
Nowgong Cantonment.	Chhatarpur.

APPENDIX D (a).

FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

DANGEROUS DRUGS.

New Delhi, the 18th February 1933.

No. 1.—In exercise of the powers conferred by sub-section (2) of section 7 of the Dangerous Drugs Act, 1930 (II of 1930), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 36 of the said Act, namely :—

PART I.—*Preliminary.*

1. *Short title, commencement, repeal and application.*—(1) These rules may be called the Dangerous Drugs (*Import, Export and Transshipment*) Rules, 1933.

(2) They shall come into force on the 1st March 1933, whereupon all rules (not being rules regulating the import of *charas* into British India by land) made by whatever authority under an enactment specified in the first three columns of Schedule II to the Dangerous Drugs Act, 1930 (II of 1930), and for a purpose specified in sub-section (2) of section 7 of the said Act shall be cancelled except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings instituted before the said date.

(3) Nothing in these rules shall apply to the import of *charas* into British India by land

2 *Definitions*—In these rules the expressions “dangerous drug” and “manufactured drug” do not include prepared opium

PART II—General prohibition of import and export by air

3 *Air*—No dangerous drug shall be imported into or exported from British India by air

PART III—Import by sea or by land

4. *General*—No dangerous drugs shall be imported into British India by sea or by land save in accordance with the conditions specified in the third column of the annexed Table for the import of the dangerous drugs specified in the corresponding entry in the first column thereof from the places specified in the corresponding entry in the second column thereof

Provided that a Local Government may by general or special order permit a traveller to import personally into British India by land from any Indian State or foreign settlement in India opium or hemp up to the limit of quantity within which possession by him is allowed without a pass on the British Indian side of the Frontier

Table

Dangerous drugs	Places from which imported	Conditions
(1) Opium	Any Indian State or foreign settlement in India	(i) Council or (ii) under an authorisation granted with the general or special consent of the Governor General in Council by the Local Government within whose jurisdiction such destination is situate or by an officer empowered in this behalf by such Local Government
		(2) Where the final destination (i) in the case of import from a State in India is
		authorisation granted by or under the orders of the Local Government within whose jurisdiction the place of importation is situate such authorisation being marked in transit
	Any other place outside British India	(1) Where the final destination is in British India or Berar the import shall be effected under an authorisation granted by the Governor General in Council

Table—contd.

Dangerous drugs.	Places from which imported.	Conditions.
		(2) Where the final destination is outside British India and Berar the import shall be effected under an authorisation granted by the Governor-General in Council, or, in such classes of case as the Governor-General in Council may direct, by or under the orders of the Local Government within whose jurisdiction the port or place of importation is situate, such authorisation being marked "in transit".
(2) Coca leaf	Any place outside British India.	(1) Where the final destination is in British India, or Berar the import shall be effected under an authorisation granted by the Local Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by such Local Government.
		(2) Where the final destination is outside British India and Berar the import shall be effected under an authorisation granted by or under the orders of the Local Government within whose jurisdiction the port or place of importation is situate, or, in such classes of case as the Governor-General in Council may direct, the Collector of Customs of the port of importation, such authorisation being marked "in transit".
(3) Manufactured drugs.	Any place outside British India.	(1) Where the final destination is in British India or Berar the import shall be effected under an authorisation granted by the Local Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by such Local Government; and where the manufactured drugs imported include preparations, officinal or non-officinal, containing more than 0.1 per cent. of cocaine or more than 0.2 per cent. of morphine or containing any diacetylmorphine, the bottles, phials, packages or other containers of these preparations or labels affixed to them shall plainly exhibit the actual quantity of the dangerous drug present in each container or sufficient particulars to admit of the ready calculation of such quantity.

Table—contd.

Dangerous drugs	Places from which imported	Conditions
(2) Where the final destination is outside British India and Berar the import shall be effected under an authorisation grant		
or, in such classes of case as the Governor General in Council may direct, the Collector of Customs of the port of importation, such authorisation being marked "in transit"		
(4) Hemp (excluding <i>charras</i> imported by land)	Any place outside British India	The import shall be effected on behalf of a Local Government or under an authorisation granted by the Local Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by such Local Government

5. *Restriction on use of post office*—The medium of the post office shall not be used for the import in accordance with this Part into British India by sea or by land of any dangerous drug

PART IV—*Export by sea or by land*

6. *Export of coca leaf prohibited*—Coca leaf shall not be exported from British India by sea or by land

7. *Export by sea—general*—Save as provided in rule 10, dangerous drugs other than coca leaf shall not be exported by sea from British India save under an authorisation granted in accordance with rule 8 and from a port appointed for the purpose in rule 9

8. *Authorisations for export by sea*—(1) The export authorisation referred to in Rule 7 shall be granted in the case of export to a maritime State in India by or under the orders of the Local Government within whose jurisdiction the port of export is situate, and in the case of exports elsewhere by the Collector of Customs at the port of export who shall not without the special permission of the Governor General in Council to be obtained in each case grant an authorisation unless—

(i) in the case of exports of opium, the opium is to be exported on behalf of the Governor General in Council,

(ii) in the case of exports of dangerous drugs other than opium—

(a) the dangerous drugs are to be exported to a country which has ratified the Geneva Convention, and

- (b) there has been produced in the case of export of drugs other than *charas* and the ordinary mixtures of which *charas* forms the base an import certificate from the country of destination in the form annexed and in the case of exports of *charas* and the ordinary mixtures of which *charas* forms the base a special import certificate issued by the Government of the importing country stating that the importation is approved for the purposes specified in the certificate and that the *charas* or mixtures will not be re-exported.

FORM OF IMPORT CERTIFICATE.

CONVENTION RELATING TO DANGEROUS DRUGS (INTERNATIONAL OPIUM CONFERENCE, GENEVA, 1925).

Certificate of Official Approval of Import.

No. I hereby certify that the Ministry of.....
being the Ministry charged with the administration of the law relating to the dangerous drugs to which the Convention relating to Dangerous Drugs (International Opium Conference, Geneva, 1925) applies, has approved the importation by

(a) Name, address and business of importer. (a)

(b) Exact description and amount of drug to be imported. of (b)

(c) Name and address of firm in exporting country from which the drug is to be obtained. from (c)

subject to the following conditions

(d) State any special conditions to be observed, e.g., not to be imported through the post. (d)

and is satisfied that the consignment proposed to be imported is required :

- (1) For legitimate purposes (in the case of raw opium and the coca leaf)* ;
- (2) Solely for medicinal or scientific purposes (in the case of drugs to which Chapter III of the Convention applies and Indian hemp).

Signed on behalf of the Ministry of

(Signature)

(Official Rank)

(Date)

*Where the use of prepared opium has not yet been suppressed and it is desired to import raw opium for the manufacture of prepared opium, the certificate should be to the effect that the raw opium to be imported is required for the purpose of manufacturing prepared opium for use under Government restrictions pending complete suppression, and that it will not be re-exported.

MODÈLE DE CERTIFICAT D'IMPORTATION.

CONVENTION INTERNATIONALE DE L'OPIMUM.

Certificat officiel d'importation

A.

Nous certifions par la présente que le Ministre du
, chargé de l'application de la loi sur les stupéfiants
 visés par la Convention internationale de l'opium a approuvé
 l'importation par

a) Nom, adresse
 et profession de
 l'importateur

a)

b) Description
 exacte du stupé-
 fiant et quantité
 destinée à l'impor-
 tation

du b)

c) Nom et
 adresse de la
 maison du pays
 exportateur qui
 fournit le stupé-
 fiant.

en provenance de c)

d) Indiquer tou-
 tes les conditions
 spéciales à observer,
 mentionner, par
 exemple, que le
 stupéfiant ne doit
 pas être expédié
 par la poste

sous réserve des conditions suivantes d)

... ..

et déclarons que l'envoi destiné à l'importation est
 nécessaire

- 1) pour les besoins légitimes (dans le cas d'opium brut
 et de la feuille de coca),
- 2) pour des besoins médicaux ou scientifiques exclu-
 sivement (dans le cas des stupéfiants visés par le
 chapitre III de la Convention, et du chanvre
 indien)

Pour le ministre et par son ordre

(signé)

(Titre)

(Date)

l'importateur ne sera pas réexporté

(2) In the case of exports of opium from the port of Calcutta
 export authorizations shall be issued in triplicate, one copy being
 retained for record, one being handed to the consignor so that it
 may accompany the consignment and one being despatched to the
 Government of the importing country in pursuance of clause (4) of
 Article 13 of the Geneva Convention.

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In the case of all other exports except exports to a maritime State in India, the authorization shall be issued in quadruplicate, three copies being disposed of as hereinbefore provided and the fourth being forwarded immediately on the grant of the authorization to the local excise authorities :

“Provided that if a proposed consignment appears to the Collector of Customs to be of an unusual character he shall consult the local excise authorities before granting the authorization.

(3) All authorizations issued under this Rule shall, save where export is to be effected by post under rule 13, be prominently marked “not available by post”.

9. *Ports from which export to be made.*—The dangerous drugs specified in the first column of the annexed table shall not be exported by sea from British India to a place specified in the corresponding entry in the second column, save from a port specified in the corresponding entry of the third column thereof.

Table

Dangerous drugs.	Place to which exported.	Ports from which export permitted.
1. Opium	<div> <div>A maritime State in India</div> <div>Any other place outside British India.</div> </div>	<div>Bombay.</div> <div>Bombay and Calcutta.</div>
2. Hemp and manufactured drugs.	Any place outside British India.	Bombay, Calcutta, Madras, Rangoon and Karachi.

10. *Special authorization for export for use on ships.*—(1) The Collector of Customs at any port from which a ship departs from British India may grant an authorization for the export by that ship of such quantity of opium, hemp and manufactured drugs as is in his opinion required for *bona fide* use on board the ship by the crew and save in the case of pilgrim ships by the passengers.

(2) In the case of a pilgrim ship the Collector of Customs may issue an authorization for the export of an additional quantity of opium, hemp and manufactured drugs for use on board the ship by pilgrims. Such authorization shall not be issued save on the authority of an excise permit granted by or under the orders of the Local Government within whose jurisdiction the port of departure is situate on the strength of a certificate from the Port Health Officer that opium, hemp and manufactured drugs to the quantity involved are necessary for the use of pilgrims on board the ship.

11. Dangerous drugs other than coca leaf shall not be exported by land from British India save under an export authorization granted by a Local Government or by an officer authorised in that behalf by a Local Government : Export by Land.

Provided that an export authorization shall not be required in the case of—

- (a) the export of manufactured drugs which have been imported into British India in transit to a place outside British India under an import authorization marked 'in transit' by the authority issuing the same,
- (b) opium or hemp exported personally by a traveller to a French or Portuguese Settlement in India or to a State in India up to the limit of quantity within which possession is allowed without a pass on the British Indian side of the frontier,
- (c) manufactured drugs so exported by such traveller which have been lawfully obtained for the personal use of the traveller or his family from a recognised physician or a licensed pharmacist in British India.

12 *Provisions regarding authorizations for export by land*

(1) The export authorization referred to in rule 11 shall not be granted for export to a country other than a State in India unless an import certificate from the Government of the importing country has been produced in the form or to the effect required by clause (ii) of sub rule (1) of rule 8 and where the importing country has not ratified the Geneva Convention such export authorization shall not in the case of an unusually large consignment be granted without prior reference to the Governor General in Council unless the export is being effected in accordance with standing orders approved by the Governor General in Council.

(2) Every such export authorization shall save where export is to be effected by post under rule 13 be prominently marked 'not available by post' and shall be issued in triplicate, the three copies being disposed of in the manner specified in sub rule (2) of rule 8.

13 *Extent to which use of post office allowed* (1) Save as provided in sub rules (2) and (3) the medium of the post office shall not be used for the export in accordance with this Part from British India by sea or by land of any dangerous drug.

(2) Where dangerous drugs are to be exported in accordance with this Part to a French or Portuguese Settlement in India the export authorization may be marked 'available by parcel post'.

Provided as follows —

- (a) The export authorization shall not be so marked unless an import certificate from the Government of the importing territory expressly authorizing import into that territory by post and stating that the drugs in question are required for medicinal purposes only has been produced,

- (b) If the drugs are to be exported by sea, the export authorization referred to in rule 8 shall be granted either by the Collector of Customs at the port of export or, by or under the orders of the Local Government within whose jurisdiction the Post Office of despatch is situate ;
 - (c) The number of copies required under rule 8 or rule 12 of the export authorization shall be increased by one, the additional copy being handed to the consignor for production at the Post Office of despatch.
- (3) Where dangerous drugs are to be exported in accordance with this Part to a State in India the export authorization may be marked " available by parcel post " :

Provided as follows :—

- (a) The export authorization shall not be so marked unless an import certificate or import authorization issued by the proper authority in the importing State has been produced ;
- (b) Any parcel containing dangerous drugs so exported shall be insured and shall be accompanied by a declaration to be signed by the person despatching the parcel and handed in at the office at which the parcel is tendered for transmission stating the names of the consignor and consignee, the contents of the parcel in detail, the number and date of the export authorization and import certificate or import authorization relating to the parcel, the number of the license held by the consignee and such other particulars as the Local Government may determine ;
- (c) The number of copies required under rule 8 or rule 12 of the export authorization shall be increased by one, the additional copy being handed to the consignor for production at the Post Office of despatch ;
- (d) Any Local Government may, notwithstanding anything contained in this sub-rule, prohibit the despatch by post of any dangerous drug from any place within its jurisdiction to any specified State in India.

PART V.—*Transhipment.*

14. *Transhipment.*—(1) No dangerous drug shall be transhipped at any port in British India save with the permission of the Customs Collector.

(2) The Customs Collector shall not grant the permission referred to in sub rule (1) save under the special orders of the Governor General in Council in each case unless—

- (a) the country from which the drugs have been shipped and the country to which the drugs are consigned are signatories to and have ratified the Geneva Convention, and
- (b) the drugs are covered by an export authorization or a diversion certificate granted in accordance with Article 13 or Article 15 as the case may be of the said Convention by or under the authority of the Government of the country from which they have been shipped and such authorization or certificate is produced for the inspection of the Customs Collector in accordance with Article 15 of the said Convention

APPENDIX D(b).

In exercise of the powers conferred by sub-section (2) of section 7 of the Dangerous Drugs Act, 1930 (II of 1930), as applied to the Administered Areas in Central India, the Governor General in Council is pleased to declare the rules published with the Notification of the Government of India in the Finance Department (Central Revenues) No. 1, dated the 18th February 1933, to be in force in the said areas, subject to any amendments to which the said rules may be subject in British India and subject also to the modifications specified in the first proviso to the Notification of the Government of India in the Foreign and Political Department, No. 262-I, dated the 24th April 1929, and to such further modifications not affecting the substance as may be necessary and proper to adopt the said rules to the said areas.

Government
of India
Notifica-
tion No.
347-I d.
17-7-34.

APPENDIX D.(c).

FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

DANGEROUS DRUGS.

Simla, the 14th September 1935.

No. 6.—In exercise of the powers conferred by sub section (2) of section 7 of the
 General in Council is pleased to
 sly published as required by sub

Short title, commencement, &c. 1. (1) These rules may be called the Central Charas
 and application. (Import by Land) Rules, 1935

(2) They shall come into force on the 1st October 1935 whereupon all rules regulating
 the import of Charas into British India by land made by whatever authority under an
 enactment specified in the first three columns of Schedule II to the Dangerous Drugs Act,
 1930 (II of 1930), and for a purpose specified in sub section (2) of section 7 of the said Act
 shall be cancelled except as regards anything done or any offence committed or any fine
 or penalty incurred or any proceedings instituted before the said date

2. Charas shall not be imported into British India by land through the medium of
 the post office or save in accordance with the following conditions, namely :—

(1) Where the final destination is in British India the import—

(a) shall be effected on behalf of a local Government or under an import authorisa-
 tion granted by the Local Government within whose jurisdiction the im-
 porter resides or has his place of business, or by an officer empowered in this
 behalf by such Local Government, and

(b) in the case of import from Central Asia shall be subject to the additional re-
 quirements and restrictions imposed by rule 3.

of importation is situated, such authorisation being marked "in transit".

3. The additional requirements and restrictions applicable to the import of charas
 by land from Central Asia shall be as follows :—

(1) Import shall not be effected save by one of the following routes :—

(i)

September to the 30th June ;

(ii) by the Kashmir route from Leh, leading into the Punjab, via Kohala and
 Murree : Provided that this route shall not be used from the 1st November
 to the 31st May ;

(iii) from Leh by the Srinagar-Banihal-Jammu motor route leading into the
 Punjab : Provided that this route shall not be used from the 1st November
 to the 31st May ;

(iv) by the Gomal route leading into the North-West Frontier Province, via Kha-
 juri Kuch, Murtaza and Manjhi ;

(v) by the Chitral route leading into the North-West Frontier Province.

(2) *Charas* imported by any of the three routes leading into the Punjab shall be obtained from the warehouse established at Leh.

(3) *Charas* imported by the Chitral route shall be obtained from the bonded warehouse established at Chitral.

(4) *Charas* shall be imported in packages of not less than 10 seers in weight each and of the form regularly used and recognised by the trade.

(5) Only *charas* imported by contractors in the United Provinces shall be imported via the Srinagar-Banihal-Jammu route and such *charas* shall pass through the Punjab in bond without being registered in one of the Punjab warehouses, shall be registered at the Custom House, Jammu, Tawi, under the supervision of the Deputy Inspector in charge of the House.

(6) *Charas* not covered by sub-rule (5) imported into the Punjab or the North-West Frontier Province shall be conveyed direct to a bonded warehouse established for the storage of *charas* under the Excise Law in force in the Punjab or the North-West Frontier Province, as the case may be, according to the route taken, as follows :—

- | | | |
|---|----|---------------------------------|
| (i) <i>charas</i> imported across the Rohtang Pass | .. | Sultanpur Warehouse. |
| (ii) <i>charas</i> imported by the Kashmir route.. | .. | Rawalpindi Warehouse. |
| (iii) <i>charas</i> imported by the Gomal route .. | .. | Dera Ismail Khan Warehouse. |
| (iv) <i>charas</i> imported by the Chitral route .. | .. | Provincial Warehouse, Peshawar. |

(7) *Charas* imported through the Punjab or the North-West Frontier Province direct into any other province of British India shall be conveyed to a warehouse established for the storage of *charas* under the Excise Law in force in the province of import, the journey to the warehouse being effected, so far as possible, by rail.

(8) All *charas* imported shall be deemed to be in bond and no package shall in any circumstances be opened or broken in bulk on its way to the bonded warehouse in British India. On arrival at the place of destination, the *charas* consignment shall be delivered up, along with the import authorisation covering the consignment, for the inspection of the Officer-in-charge of the Warehouse.

(9) On any package of *charas* lost or abstracted from any consignment while in British India in transit to the bonded warehouse duty shall be payable to the Local Government of the Province in which the loss or abstraction occurred at the rate of excise duty chargeable on *charas* under the law in force in that Province.

(10) The authorisation referred to in sub-clause (a) of clause (1) of rule 2 shall be issued in the annexed form. A copy of every authorisation shall be retained for record by the authority issuing it. A second copy shall be handed to the importer so that it may accompany the consignment. A third copy shall be sent to the Joint Commissioner at Leh or the Officer-in-charge, Chitral Bonded Warehouse, as the case may be, or, if either of these officers be empowered under rule 2 to issue authorisations, he shall send the third copy to the Local Government so empowering him. A fourth copy shall be sent to the Officer-in-charge of the bonded warehouse in the province in which the place of destination is situate. In respect of *charas* imported into a province other than that in which the place of importation is situate, an additional copy shall be sent to the Government of the latter province ; in respect of *charas* imported via Kashmir an additional copy shall be sent to the Inspector of Customs and Excise, Srinagar, Kashmir.

4. Notwithstanding anything contained in rule 2, the Local Government may by general or special order permit a traveller to import *charas* personally into British India by land from a State in India or foreign settlement in India up to the limit of quantity within which possession by him is allowed without a pass on the British Indian side of the frontier.

Form of authorisation for import of charas by land.

Import Pass No —————

Dated ————— 19

Being charged with the duty of regulating the import of *charas* by land into the Province of ———— I hereby authorise the importation of *Charas* according to the following particulars, by —

(1) Name of owner with father's name and address .. (1) —————

(2) Name of the licensed importer (of the place of destination) with father's name and address. (2) —————

(3) Name with father's name of the Agent authorised by the owner to remove *charas* or the name of owner if he is present. (3) —————(4) Name and address of the carrier in whose charge *charas* is despatched. (4) —————(4a) Quantity of *charas* to be imported (4a) —————

(5) Number of packages . (5) —————

(6) Gross weight of packages . (6) —————

(7) Name and locality of the bonded Warehouse to which the *charas* is consigned (7) —————(8) Place from and the route by which the consignment of *charas* is to be imported and conveyed to the bonded warehouse. (8) —————

(9) Period within which the importation is to be effected (3) within a period of ———— from the date of this authorisation.

(10) Description of each bundle —

No	Weight	Year of despatch from Yarkand	Year of Import into Leh or Chitral
----	--------	-------------------------------	------------------------------------

(Sufficient space for entry of about 40 bundles)

(11) Remarks in regard to any increase or decrease found in the weight of any of the bundles at the time of removal by repairs or damage, etc (11) —————

(Signature and full official designation of the Officer issuing the authorisation)

shall retain the prescription provided that he shall not write the person presenting the prescription that unless it bears such a superscription as aforesaid it will be retained

- (8) He may sell the drugs otherwise than on prescription—

(a) to a chemist licensed to sell the drugs,

(b) to an approved practitioner,

(c) to a person duly authorised by the Excise Commissioner in managing or supervising charge of a hospital or dispensary.

(9) He shall maintain an account in the following form and entries should be made on the day on which transactions take place :—

1	Date.
2	Balance in hand yesterday.
3	Quantity received this day and whence received.
4	Total quantity to be accounted for.
5	Quantity sold this day.
6	Name of purchaser.
7	Address.
8	Date of prescription (if any) and name of medical practitioner who granted it.
9	Remaining in store.
10	Remarks.

- (10) He shall produce his license and accounts of sale of the drugs at once on the demand of any officer specially or generally authorized by the Excise Commissioner or Local Excise Authority.

(11) This license may be cancelled by the ~~Excise~~ ^{Commissioner} if any breach of the Opium Act, 1878, the Excise Regulation, 1915, or the Dangerous Drugs Act, 1930, or of any of the rules made thereunder or of the above mentioned conditions is committed by the license holder by himself or by his partner or agent or any other person employed or working in the premises for which this license is granted.

Form No. D. D. 2.

License for the sale of coca derivatives and medicinal hemp by Chemists.*

NOTE.—(1) The restriction on the sale of coca derivatives does not apply to the preparations containing less than 0.1 per cent. of cocaine.

NOTE.—(2) "Coca derivatives" mean—

- (i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly for the manufacture of cocaine,
- (ii) ecgonine, that is, laevo ecgonine having the chemical formula $C_8H_{15}NO_3$, H_2O , and all the derivatives of laevo-ecgonine from which it can be recovered;
- (iii) cocaine, that is, methyl benzoyl laevo-ecgonine having the chemical formula $C_{17}H_{21}NO_4$, and its salts, and
- (iv) all preparations, official and non official, containing more than 0.1 per cent. of cocaine

Local area

Number of license in register

Name of chemist

Locality of shop

Be it known that

is hereby authorized by the Excise Commissioner to sell coca derivatives and medicinal hemp as medicine at from April 1st, 19 , or the date of this license to March 31st, 19 , under the following conditions

Conditions.

1. He shall pay to Government in advance a fee of Rs for the year or for any broken period thereof.
2. He shall not transfer or sublet this license to any other person.
3. (a) He shall not have in his possession at any time more than one ounce or 437½ grains of cocaine in all

* "Chemist" means a person who deals in European medicines and drugs as a means of livelihood. This license shall not be granted to a chemist who is also a medical practitioner.

NOTE.—In the case of preparations or admixtures of cocaine the limit of possession under this clause, or of sale under this clause or of sale under clause 5, shall be determined by the amount of cocaine actually contained in such preparations or admixtures.

- (b) The total quantity of extracts and tinctures of hemp in his possession shall not exceed 8 oz. of each kind or such larger quantity as may be fixed by the Excise Commissioner.

4. He shall not store or sell coca derivatives and medicinal hemp at any other premises except those for which this license is granted without taking out

5.

Excise Commissioner, (3) from a licensed chemist in the Administered Areas in Central India or any other province of British India the regulations of which permit export.

6. (i) He shall not sell coca derivatives to any person other than —

- (a) Licensed chemists to the extent of one ounce or such larger quantity as may

NOTE.—The prescription must be dated and signed by the medical person with his full name, address and qualifications, and must specify the total amount of cocaine to be supplied on the prescription except that when the medicine to be prescribed on the prescription is a proprietary medicine, it shall be sufficient to state the amount of the medicine to be supplied.

(ii) He may sell medicinal hemp otherwise than on prescription —

- (a) to a chemist lincensed to sell medicinal hemp ;
- (b) to an approved practitioner ;
- (c) to a person duly authorized by the *Excise Commissioner* in managing or supervising charge of a hospital or dispensary.

7. He may sell coca derivatives or medicinal hemp on prescription subject to the following conditions :—

- (a) He shall sell the coca derivatives or medicinal hemp in such quantity and for the use of such person only as may be specified in the prescription.
- (b) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated and at what interval of time it is to be repeated, he shall sell coca derivatives or medicinal hemp once only on such prescription, and shall retain the prescription provided that he shall first warn the person presenting the prescription that unless it bears such a superscription as aforesaid it will be retained.
- (c) If the prescription bears a superscription as aforesaid he shall enter on the prescription the date of sale and shall sign or seal the prescription ; provided that if it appears that the coca derivatives or medicinal hemp has already been sold on the prescription six times or such number of times as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not sell coca derivatives or medicinal hemp on such prescription unless it is further superscribed in that behalf by an approved practitioner.

8. He shall see that on the label of each bottle or package containing any preparation or admixture of cocaine, whether kept by him in stock or issued on sale the percentage or proportion of the cocaine content to the total contents of the bottle or package is clearly marked.

9. He shall keep a correct daily account in the following form to be balanced at the close of each day in a printed account book to be purchased at the Excise Commissioner's office, a separate set of pages being set aside for cocaine, medicinal hemp and for each substance included in the definition of the expression " coca derivatives " and stocked by him :—

Balance in hand yesterday.	Quantity received this day and whence received.	Total quantity to be accounted for.	Quantity sold this day.	Name of purchaser.	Address.	Date of prescription (if any) and name of medical practitioner who granted it.	Remaining in stock.	Remarks.
2	3	4	5	6	7	8	9	10

10. He shall produce his license and accounts of sale of coca derivatives and medicinal hemp together with the prescriptions on the authority of which sales have been made for inspection, at once on the demand of any officer empowered under Section 51 of the Excise Regulation, 1915.

This license may be cancelled by the Excise Commissioner if any breach of the Excise

conditions for which this license is granted

Dated the

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APPENDIX F.

List showing the period prescribed for the retention of forms, etc.

Serial No.	Description of forms	Period prescribed for retention
1	Form D. D. 1. License for the manufacture, possession and sale of opium derivatives other than prepared opium by chemists	2 years.
2	Form D. D. 2. License for the sale of coca derivatives and medicinal hemp by chemists	2 years.
3	Permit for the inter-provincial import of manufactured drugs other than prepared opium	2 years.
4	Import certificate	2 years.

EXCISE MANUAL

Volume II

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